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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

JONATHAN RIVERA-PIEROLA,

Plaintiff,

VS.

BOARD OF REGENTS for the OKLAHOMA  
AGRICULTURAL and MECHANICAL  
COLLEGES, et al.,

Defendant.

) Case Number  
) CIV-21-616 PRW

VIDEOCONFERENCE DEPOSITION OF CARLOS RISCO, DVM  
TAKEN ON BEHALF OF THE PLAINTIFF  
ON JUNE 12, 2023  
IN STILLWATER, OKLAHOMA

REPORTED BY: BRENDA SCHMITZ, CSR, RPR (VIA ZOOM)  
CITY REPORTERS  
14 Northeast 13th Street, Suite 101  
Oklahoma City, Oklahoma 73104  
(405) 235-3376

June 12, 2023

2 (Pages 2 to 5)

2	4
1 APPEARANCES:	1 STIPULATIONS
2	2 It is hereby stipulated and agreed by and
3 FOR THE PLAINTIFF: (VIA ZOOM)	3 between the parties hereto, through their respective
4 MR. JASON J. BACH	4 attorneys, that the video conference deposition of
Bach Law Firm	5 CARLOS RISCO, DVM, may be taken on behalf of the
7881 West Charleston, Suite 165	6 Plaintiff on JUNE 12, 2023, in the City of
Las Vegas, NV 89117	7 Stillwater, Oklahoma by Brenda Schmitz, Certified
Telephone: 702.925.8787	8 Shorthand Reporter within and for the State of
Email: jbach@bachlawfirm.com	9 Oklahoma, and Registered Professional Reporter,
7	10 taken by notice pursuant to the Federal Rules of
8	11 Civil Procedure.
9 FOR THE DEFENDANT (VIA ZOOM WITH THE WITNESS):	12 It is further stipulated and agreed by and
10 MR. CLINTON W. PRATT	13 between the parties hereto, through their respective
Office of Legal Counsel	14 attorneys, that all objections, except as to the
Student Union, 5th Floor	15 form of the question and the responsiveness of the
Oklahoma State University	16 answer, are reserved until the time of trial, at
Stillwater, Oklahoma 74078	17 which time they may be made with the same force and
Email: clint.pratt@okstate.edu	18 effect as if made at the time of the taking of this
13	19 deposition.
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1 INDEX	1 And thereupon the following witness was produced
2	2 by the Plaintiff:
3 DIRECT EXAMINATION BY MR. BACH.....5	3 CARLOS RISCO, DVM,
4 CROSS EXAMINATION BY MR. PRATT.....51	4 the witness hereinbefore named, being first duly
5 REDIRECT EXAMINATION BY MR. BACH.....56	5 cautioned and sworn to testify the truth, the whole
6	6 truth, and nothing but the truth, testified on his
7 Errata.....58	7 oath as follows:
8 Jurat.....59	8 DIRECT EXAMINATION
9 Reporter's Certificate.....60	9 BY MR. BACH:
10	10 Q. Hi, can you state your name for the
11 Deposition Exhibits (marked at a later date)	11 record, please?
12 Number 1 3/22/20 Risco/Gilmour email.....30	12 A. My name is Carlos Risco.
13 Number 2 3/24/20 Rivera-Pierola email.....33	13 Q. And, Dr. Risco, you understand that my
14 Number 3 3/29/20 Risco/Rivera-Pierola	14 name is Jason Bach, I'm the attorney who represents
Email.....34	15 Jonathan Rivera-Pierola and you understand that he
15	16 has brought a lawsuit against the university?
16 Number 4 3/30/20 Gilmour/Reichard email.....40	17 A. I do.
17 Number 5 April 3, 2020 PSC letter.....41	18 Q. Okay. Have you ever given a deposition
18 Number 6 3/30/20 "What Risco Proposed for	19 before?
JRP".....43	20 A. I have, sir. Years ago.
19	21 Q. Okay. You understand that the court
20 Number 7 4/6/20 Risco to PSC letter.....44	22 reporter is taking down everything that's being said
21 Number 8 4/21/20 De Concetto/Gilmour email...47	23 here today?
22 Number 9 4/21/20 letter of dismissal.....50	24 A. I do.
23	25 Q. Okay. And the oath that you took is the
24	
25	

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<p style="text-align: right;">6</p> <p>1 same oath that you would take in court; you 2 understand that? 3 A. I do. 4 <b>Q. Okay. If -- you're doing great here so 5 far, but I just wanted to ask if you could give a 6 verbal, audible response to my questions, you know, 7 for example, a yes or a no as opposed to a huh-uh or 8 uh-huh or a shake of the head or something along 9 those lines.</b> 10 A. Okay. 11 <b>Q. Just so we have a clear record here today, 12 okay?</b> 13 A. Yeah. 14 <b>Q. If I ask you a question and you don't 15 understand the question, please feel free to ask me 16 to rephrase it, repeat it, I'll do whatever I can to 17 make you understand what it is that I'm asking here 18 today, okay? However, if I ask you a question and 19 you answer the question, I'm going to assume that 20 you understood the question; is that fair?</b> 21 A. Yes. 22 <b>Q. Okay. I don't think that we're going to 23 be very long here this morning. But if at any point 24 you want to take a break, we certainly can. The 25 only thing I would ask is that if there's a question</b></p>	<p style="text-align: right;">8</p> <p>1 A. I did, yes. 2 <b>Q. Okay. And what is your understanding of 3 what that relationship was?</b> 4 A. With St. Matthew's University School of 5 Veterinary Medicine, along with two other, Ross 6 University at Saint Kitts and St. George University, 7 my understanding is, and still is, that we would 8 receive their students during the fourth year. 9 So they complete their preclinical training, 10 and then that they would apply to our college and we 11 would accept them, and provide what we call their 12 clinical training, which is -- which is the last 13 year of their veterinary -- of their veterinary 14 training. 15 <b>Q. And do you know if Oklahoma State and St. 16 Matthew's University had a contractual agreement of 17 some kind?</b> 18 A. I -- yes, yes, I do. We -- we had a 19 contractual agreement that we -- that their students 20 would apply, we would evaluate them and then accept 21 them into that program. 22 <b>Q. Okay. Do you know if St. Matthew's 23 students who attended Oklahoma State while you've 24 been there, if they have done as well as Oklahoma 25 State students, or better or worse than Oklahoma</b></p>
<p style="text-align: right;">7</p> <p>1 that is pending, that you answer the question before 2 we take that break. Okay? 3 A. Yes. 4 <b>Q. Dr. Risco, can you tell me how you're -- 5 you're currently employed?</b> 6 A. Yes. I'm currently a professor and Dean 7 of the College of Veterinary Medicine at Oklahoma 8 State University. 9 <b>Q. And how long have you been in that role?</b> 10 A. A little over five years. 11 <b>Q. Okay. Do you recall the date that you 12 became the Dean?</b> 13 A. Yes. March 1st, 2018. 14 <b>Q. Okay. And -- and before that date, how -- 15 how were you employed before that?</b> 16 A. Prior to arriving here at Oklahoma State, 17 I was a professor at the University of Florida 18 College of Veterinary Medicine for 27 years. Of 19 those 27 years, the last six, I was a chair of the 20 Department of Large Animal Clinical Sciences at the 21 College of Veterinary Medicine, University of 22 Florida. 23 <b>Q. When you came to Oklahoma State, did 24 you -- did you learn of a relationship that Oklahoma 25 State had with St. Matthew's University?</b></p>	<p style="text-align: right;">9</p> <p>1 <b>State students?</b> 2 A. To my recollection, I would say that they 3 have done as -- as well, as other -- as other 4 students. 5 <b>Q. Other than paying the tuition that the -- 6 that the student would pay, did Oklahoma State 7 receive some sort of financial compensation for 8 admitting students from St. Matthew's?</b> 9 A. No. 10 <b>Q. So it was just the tuition that the 11 student would pay?</b> 12 A. That's -- that's correct. 13 <b>Q. When's the first time that you recall 14 learning of Mr. Rivera-Pierola?</b> 15 A. Not sure of the exact date, but sometime 16 in October of 2019, my former Associate Dean of 17 students and academic affairs, Dr. Margi Gilmour 18 shared with me that Jonathan, Mr. Rivera, had failed 19 the small animal internal medicine rotation. And 20 that therefore, he -- as it is our policy that the 21 student, in this case, Jonathan, would go in front 22 of the Professional Standard Committee and to learn 23 more about -- the committee wanted to learn more 24 about the circumstances of -- of why he failed that 25 rotation.</p>

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<p style="text-align: right;">10</p> <p>1 <b>Q. And do you know if, in fact, he did go</b>  2 <b>before the committee?</b>  3 A. My recollection is that he did, he went --  4 he -- or I don't recall whether he personally went  5 to, in front of, participated, with -- with the --  6 let's just call it a PSC, we call it a PSC,  7 Professional Standard Committee, but I do know that  8 the committee was aware of the circumstances that  9 led to his poor performance in -- in that rotation.  10 <b>Q. And do you know what action the committee</b>  11 <b>took?</b>  12 A. The action that the committee took was to  13 allow him to repeat that rotation.  14 <b>Q. And did you have -- have any type of say</b>  15 <b>in it?</b>  16 A. I did not.  17 <b>Q. Did --</b>  18 A. So, no, sorry, no.  19 <b>Q. Okay. Did you review that decision? Is</b>  20 <b>that something that you would review and approve?</b>  21 A. At that -- I -- I did review the -- that  22 decision in terms that the report was provided to me  23 and I was comfortable with it, I said, this is a --  24 so I was fine with it, but I did not have any say-so  25 in that -- in that recommendation.</p>	<p style="text-align: right;">12</p> <p>1 Dr. Paul DeMars and Dr. Lara Sypniewski.  2 <b>Q. Were you made aware of a discussion that</b>  3 <b>took place with -- with Jonathan and those two</b>  4 <b>instructors that became kind of a heated</b>  5 <b>conversation?</b>  6 A. Not -- not in person, just reading the --  7 I did not witness it personally, I was not there. I  8 became aware of it as I reviewed the material  9 that -- pertinent to this case.  10 <b>Q. Okay. So, in -- in preparation for</b>  11 <b>your -- your deposition here today, is that -- is</b>  12 <b>that when you learned it?</b>  13 A. That's correct.  14 <b>Q. Okay. But at the time, back in 2020, you</b>  15 <b>were not aware of that?</b>  16 A. No, sir.  17 <b>Q. Okay. Other than speaking with a counsel</b>  18 <b>for the university, what did you do to prepare for</b>  19 <b>your deposition today?</b>  20 A. I reviewed the documents pertinent to --  21 to this case, mainly communications, e-mail  22 communications that I've received from Margi  23 Gilmour, Dr. Gilmour, as well as Dr. Mason Reichard,  24 who was the chair of the Professional Standard  25 Committee, and the -- a summary of -- of the case, I</p>
<p style="text-align: right;">11</p> <p>1 <b>Q. Okay. You didn't share your opinion as to</b>  2 <b>what you thought that they should do?</b>  3 A. No.  4 <b>Q. You say that was October of 2019; is that</b>  5 <b>right?</b>  6 A. Yes, sir, that's my -- that's my  7 recollection.  8 <b>Q. Okay. After that matter, what was the</b>  9 <b>next time that you recall hearing anything about --</b>  10 <b>about Jonathan?</b>  11 A. Sometime in March, 2020, okay, it was  12 brought to my attention by, again, by Dr. Gilmour,  13 Margi Gilmour, that Jonathan had failed community  14 practice, okay. And that because he was in academic  15 suspension at that time in March, that he would,  16 again, go in front, this -- in this situation, I am  17 aware that he -- he was asked to be -- to come in  18 front of the Professional Standard Committee, they  19 had some questions, to give him an opportunity to --  20 to share the circumstances that may have led to his  21 poor performance in community practice. Because he  22 received a D grade.  23 <b>Q. Okay. And do you recall who the</b>  24 <b>instructors were in that -- in that course?</b>  25 A. In the community practice, there were</p>	<p style="text-align: right;">13</p> <p>1 say summary of the timelines of -- of Jonathan's  2 situation at Oklahoma State.  3 <b>Q. Do you recall meeting with Jonathan's</b>  4 <b>parents at one point?</b>  5 A. I do, I do. I met with Dr.  6 Rivera-Pierola, his father, and his mother. I'm  7 trying to remember when, I didn't take any notes, so  8 I don't want to speculate on specific what the date  9 was, we met in our office, in my office, sorry, in  10 my office, and, yes, I did.  11 <b>Q. What did you discuss during that meeting?</b>  12 A. So, Dr. Pierola, we -- we exchanged some  13 pleasantries in the sense that I've been at the  14 University of Florida for -- for a number of years,  15 so he was familiar with our college of veterinary  16 medicine. Then he did, Dr. Pierola did --  17 Rivera-Pierola then shared with me that his son,  18 Jonathan, was having some challenges, as I recall,  19 in -- in our program. I did -- I let them know that  20 I was not -- at that time, I was not aware of the  21 specific challenges that Jonathan was having.  22 We had a discussion about both kind of  23 reminiscing a little bit about -- he's about my age,  24 Dr. Pierola is, and kind of reminisce a little bit  25 about our time as veterinary students, and I did</p>

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<p style="text-align: right;">14</p> <p>1 mention to him that our students today probably face  2 more challenges than our generation did, simply  3 because there were -- there's more information, far  4 more information, and we still have eight hours a  5 day, so we talked a little bit about that.  6 He -- they -- I'm trying to remember, I think  7 it was both of them that they shared with me, you  8 know, some of the challenges that Jonathan was  9 facing coming to just leaving the island of St.  10 Matthew's, coming to the United States in the sense  11 a new college of adapting to a different -- a  12 different way of learning.  13 And I distinctly remember saying to them that  14 this is very typical. Even our students, even our  15 Oklahoma State students, they finish their first  16 three years that we call the preclinical training,  17 and then they have to do clinical rotations, where  18 they're seeing clients, they're seeing patients, and  19 they're being instructed on the clinical aspect  20 of -- of a veterinary medical education, and that I  21 can see where that could be challenging, but it's  22 not unique to Jonathan, specifically.  23 And I did mention that our college has, our  24 veterinary college has a council, it's a  25 psychologist, that it's aware, that is there for all</p>	<p style="text-align: right;">16</p> <p>1 <b>Q. It would have been around the same time?</b>  2 A. I would say it would have to have been  3 around the same time that Jonathan must have  4 received notification that he had failed either the  5 small animal internal medicine rotation or the --  6 the community practice. But I just -- I don't  7 recall specifically when did that meeting occur.  8 <b>Q. Okay. Did his parents ask you to not</b>  9 <b>dismiss him from the program?</b>  10 A. I don't recall that they specifically  11 asked me that.  12 <b>Q. Getting back to the community practice</b>  13 <b>rotation, you said that there came a point in time</b>  14 <b>when you learned that Jonathan had not passed that</b>  15 <b>rotation; is that right?</b>  16 A. Correct, yes.  17 <b>Q. And how did you learn that?</b>  18 A. In two ways. As -- as it's our protocol,  19 so I have an Associate Dean of Academic and Students  20 Affairs, that can -- Jonathan -- at that time was  21 Dr. Gilmour, and they always alert me, they come to  22 my office and they make me aware, Dean, we have  23 student that is in this -- in this situation, so, in  24 Jonathan's case, that he had failed community  25 practice. And, of course, I was reminded that he</p>
<p style="text-align: right;">15</p> <p>1 of our students if they wanted to meet. And I  2 recall we talked a little bit, also, about some of  3 the wellness programs that -- that the college has  4 under the direction of our Associate Dean of  5 students, and we talked a little bit about -- I  6 remember that I did make the comment, I said, you  7 know, we didn't have that back in the day that we  8 would have someone that is a trained psychologist  9 that can -- that the student can talk to them and  10 the students can -- and this person would listen to  11 them. That's the recollection of the conversation  12 that I had with them.  13 <b>Q. Okay. Did they ask you to do anything in</b>  14 <b>particular to help Jonathan?</b>  15 A. They -- they did not. Said, would you  16 look into this, and I think that they were very  17 respectful in that sense, I think they just wanted  18 to share -- they wanted me to hear the -- Jonathan's  19 situation, but, no, they -- they did not.  20 <b>Q. Do you recall if this is before or after</b>  21 <b>you learned that Jonathan had not passed the</b>  22 <b>community practice rotation?</b>  23 A. I don't recall. I don't --  24 <b>Q. Do you recall --</b>  25 A. I'm sorry?</p>	<p style="text-align: right;">17</p> <p>1 had also failed the small animal internal medicine.  2 The -- we had that discussion, so that's one.  3 And then the other one when I saw from Dr.  4 Mason Reichard, who's the chair of the Professional  5 Standard Committee, a summary of the meeting that  6 they had with -- with Jonathan.  7 <b>Q. And what do you recall about that summary</b>  8 <b>that you received from the PSC?</b>  9 A. That the summary was -- I'm going to use  10 the same word again, it was the summary of -- a  11 history of Jonathan's performance, I went back to  12 his failure in small animal internal medicine, and  13 then also the -- that he had failed community  14 practice.  15 The -- the context, the primary context or the  16 crux of that communication to me was that -- that  17 the PSC committee had met with Jonathan and they  18 allowed him time to share with the committee the  19 circumstances that may have led to his poor clinical  20 performance, okay? And based on the faculty  21 evaluation, so, Jonathan was -- was given an  22 opportunity to discuss the -- the circumstances,  23 what was the situation that led to his poor  24 performance.  25 And then the conclusion of that summary was --</p>



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<p style="text-align: right;">18</p> <p>1 from the Professional Standard Committee was that  2 they listened to Jonathan, but that he did not  3 express to them a compelling argument of, one, what  4 led to the poor performance, and secondly, how would  5 he mitigate the circumstances that -- what would he  6 do different, to improve on that clinical  7 performance.  8 <b>Q. And do you recall if the PSC made a</b>  9 <b>recommendation of some kind?</b>  10 A. They did. They recommended dismissal of  11 the program -- from the program.  12 <b>Q. And -- and that was a recommendation that</b>  13 <b>went to you; is that -- is that correct?</b>  14 A. Yes.  15 <b>Q. Okay. How does that process work, can you</b>  16 <b>explain to me when there is a recommendation for</b>  17 <b>dismissal, how does that process operate and who has</b>  18 <b>the final say in that?</b>  19 A. I have the final say. And that's  20 according to our policy. So, in this situation,  21 the -- when I received the summary from -- from the  22 PSC, I -- I studied it, I -- and I agreed with it,  23 okay. So I approved it, if you will, I took their  24 recommendation under the circumstances that Jonathan  25 be dismissed from the program.</p>	<p style="text-align: right;">20</p> <p>1 to -- soon after I read the appeal -- let me -- let  2 me give you the timeline. So, when I read the  3 appeal, and then I recommended and I send it to the  4 PSC to reconsider, I met in -- I met with Jonathan,  5 so he -- that was the first time, as I recall, that  6 I met with Jonathan, so I met with him in my office  7 after he had -- after he had received notification  8 that he was being dismissed, and then after he had  9 written the appeal.  10 So, to answer your question, I think, in my  11 mind, it's both. What I read in the appeal that was  12 followed by a conversation that I had with Jonathan  13 in person, that he had expressed a compelling plan  14 of action to improve his clinical performance. And  15 also, what would he do to correct the circumstances,  16 or not to allow himself to be in the same  17 circumstances that resulted in his poor performance.  18 And that was my decision.  19 <b>Q. Was there anything in particular, or</b>  20 <b>specifically that he said to you in that meeting</b>  21 <b>that -- that changed your mind?</b>  22 A. He -- and I don't have the document in  23 front of me, but he reiterated what he had mentioned  24 to -- to the Professional Standards Committee, but  25 my discussions with Jonathan, in person, were</p>
<p style="text-align: right;">19</p> <p>1 Now, according to our guidelines and policies,  2 the student is given an opportunity to provide an  3 appeal, okay, a written appeal to the PSC again,  4 giving another opportunity to explain what led to,  5 in this case, Jonathan's poor performance, and then,  6 again, what would he do, what would the students do  7 to improve on those -- on those areas that the  8 faculty feel that the student was deficient on. And  9 then I did -- I did -- so that -- I did receive that  10 appeal later from Jonathan.  11 <b>Q. Okay.</b>  12 A. That was going to be shared back to the  13 PSC committee.  14 <b>Q. Okay. Did there come a point in time when</b>  15 <b>you -- you met with Jonathan in person?</b>  16 A. I did. So the -- after I read Jonathan's  17 appeal, okay, I -- I sent a communication to, again,  18 Dr. Mason Reichard, who's the chair of the PSC, for  19 them to reconsider their recommendation to me to  20 dismiss -- to dismiss Jonathan from the program  21 based on the context of his appeal.  22 <b>Q. Did you believe that there was something</b>  23 <b>in his appeal that warranted their reconsideration?</b>  24 A. I -- I did. From my perspective and in  25 reading his appeal, then I think I need to -- I need</p>	<p style="text-align: right;">21</p> <p>1 more -- I took the tone more of a faculty-student  2 interaction.  3 Prior to my time here at Oklahoma State, as I  4 mentioned, 27 years, almost 28 years at the  5 University of Florida, I was a faculty member and I  6 taught students in the clinical setting, so we had a  7 conversation that addressed, at least I addressed  8 it, I said, Jonathan, these are the issues that  9 faculty have brought to your attention, better case  10 preparation, better communication with the -- with  11 the faculty, improving knowledge. I even recall  12 giving him suggestions, this is what I think you  13 need to do in the evenings, you need to review. You  14 know that there's cases, you may know ahead of time  15 the type of case that you're going to see, you need  16 to review, you need to prepare better. And it all  17 centered around his -- his knowledge base, you need  18 to improve that.  19 Primarily, the discussion that I had with him  20 was that he -- he needs to do a better job in  21 receiving, accepting constructive criticism from the  22 faculty, from his clinicians. We spent a few  23 minutes, I mentioned to him, they're there to help  24 you. And you need to know what you know and what  25 you don't know, and what you don't know, after being</p>

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<p style="text-align: right;">22</p> <p>1 trained to be a veterinarian, you need to accept  2 that and you have to remediate, whether that's  3 following up with the faculty or the clinician or,  4 as I mentioned, continuing to study, to review  5 clinical material, particularly to the rotation that  6 you're at.  7 So based on that, I -- I made the decision to  8 give him, actually, what would be a third chance,  9 and then I -- I -- it's not a question of  10 overturning the -- well, I guess I did overturn the  11 recommendation from the Professional Standard  12 Committee, and I allowed him to come back, to stay  13 in the program with the stipulation that he needed  14 to -- the next -- the next rotation that he was  15 going to go into was anesthesia, so you need to --  16 you need to have a letter grade of C or better, and  17 then also that he was on academic probation, that he  18 would go back, so I was going to allow him to go  19 back and repeat the small animal internal medicine  20 and community practice, and in those, also, he  21 needed to make a letter grade of C or better. And  22 that -- that was presented to -- to Jonathan.  23 <b>Q. And was that -- were those conditions or</b>  24 <b>stipulations that -- that you came up with, or were</b>  25 <b>they recommended by someone else?</b></p>	<p style="text-align: right;">24</p> <p>1 committee, I would say that it was in the written --  2 in the written -- in the written communication to me  3 after I requested for them to -- to remove the  4 recommendation, or reconsider the recommendation to  5 dismiss him, but that -- that came from the  6 committee. That was a report that I received from  7 the committee. But no -- no personal conversations,  8 no one came to my office and talked to me about it.  9 <b>Q. Okay. So after you made that decision, I</b>  10 <b>assume that Jonathan was informed of your decision;</b>  11 <b>is that right?</b>  12 A. Yes.  13 <b>Q. And what do you recall happening after</b>  14 <b>that with Jonathan?</b>  15 A. So, my -- my recollection is, I was -- I  16 was cc'd on the communication, I believe that came  17 from Dr. Gilmour, explaining that the Dean had  18 agreed to allow you -- allow Jonathan to remain in  19 the program, in other words, to continue, with the  20 stipulations that he needed to make a C or better in  21 the subsequent rotations that he was going to -- he  22 was going to receive.  23 And I'm guessing that that must have been  24 sometime around April that he did receive the --  25 yes, because I made sure that, yes, these are the</p>
<p style="text-align: right;">23</p> <p>1 A. They came from me. Well, I'm sorry, let  2 me be -- the fact -- the fact that he had received  3 the letter grade of D in those rotation, according  4 to our policy, they -- he would be on academic  5 suspension -- probation, I beg your pardon, be on  6 academic probation, he was allowed to come back, and  7 the stipulation of a C or better, that's policy.  8 What I meant was my -- my suggestions, the  9 suggestions that I offer to Jonathan to improve in  10 his -- in the rotation, those were discussions that  11 I had with him.  12 <b>Q. Okay. Did Dr. Gilmour ever express to you</b>  13 <b>that she was opposed to Jonathan being allowed to</b>  14 <b>come back?</b>  15 A. No.  16 <b>Q. Did she make any recommendations to you as</b>  17 <b>to what you should do with Jonathan?</b>  18 A. No. The only -- the only -- not  19 recommendations, but that she did review with me the  20 policies that -- that we have.  21 <b>Q. Did anyone on the PSC ever express to you</b>  22 <b>that they were opposed to your decision to allow</b>  23 <b>Jonathan to return?</b>  24 A. Individually, no. I just -- I never  25 discuss Jonathan's case with any member of the PSC</p>	<p style="text-align: right;">25</p> <p>1 stipulations that him and I talked about, and  2 that -- that's -- at that time, that's all that I  3 recall.  4 <b>Q. Okay. And this was in March or April of</b>  5 <b>2020, at the beginning of COVID; is that right?</b>  6 A. That's correct, yes.  7 <b>Q. Okay. And what type of changes were going</b>  8 <b>on with the clinical instruction during that time?</b>  9 A. So, on the -- on the didactic of the  10 students, I think there were about two or three  11 weeks, students that were not on clinic, so this is  12 the preclinical students, all the education, all the  13 lectures were provided by distance, distance  14 education. For the clinical side, there was a --  15 what I call a hybrid, where the students were -- we  16 couldn't obviously bring all the students to -- to  17 the hospital, so it's kind of like what I call a  18 hybrid, that case presentations were provided, were  19 provided via Zoom or remotely, each service did it a  20 little bit different. There was a delivery of  21 knowledge.  22 One of the things that I wanted to make sure of  23 when we made this change is on the clinical  24 training, it's not just learning skills, it's not  25 just learning how to give a vaccination or how to</p>

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<p style="text-align: right;">26</p> <p>1 give an intravenous injection, there's knowledge.  2 The student is still acquiring knowledge,  3 particularly on the case, the diagnosis, the  4 physical examination, the diagnosis of the case, so  5 we made -- I made sure that that continued, and that  6 was done through what I call this hybrid. And then  7 the cases were presented.  8 And I don't recall if it was in -- it wasn't in  9 anesthesia, there were in some rotations that the  10 students -- and we did this later in the summer, we  11 did this in June or July of 2020 that we split up  12 the students and some were allowed, obviously lower  13 numbers of students, to come to the rotation and  14 participate in person, like a Group A and a Group B.  15 <b>Q. Do you recall which rotation that Jonathan</b>  16 <b>was in when you first went remote?</b>  17 A. He was about to enter anesthesia.  18 <b>Q. And --</b>  19 A. Anesthesiology.  20 <b>Q. And do you know who his instructor was for</b>  21 <b>that?</b>  22 A. His instructor was Dr. Di Concetto.  23 <b>Q. Did there come a point in time when you</b>  24 <b>learned that Jonathan received a low grade in his</b>  25 <b>anesthesia rotation?</b></p>	<p style="text-align: right;">28</p> <p>1 in that he had not met the stipulation that we had  2 asked for in maintaining a -- a grade of C or  3 better, and then that he would be dismissed, and  4 Dr. -- Dr. Gilmour informed him of that decision,  5 cc'ing me.  6 <b>Q. Okay. But that was your decision to make;</b>  7 <b>is that -- is that right?</b>  8 A. Yes, because he -- let me -- sorry, let me  9 go back, because then it goes back to the  10 Professional Standard Committee, okay, so, they  11 evaluate the situation, and then it -- because the  12 committee had already recommended to dismiss him,  13 and I felt that I had spoken to Jonathan --  14 Jonathan, then ultimately was my -- my decision. As  15 it is in any -- because remember, that the  16 Professional Standards Committee, after they  17 evaluate the students, they make a recommendation to  18 the Dean, and then the Dean decide.  19 <b>Q. Okay. Do you know if Jonathan was given</b>  20 <b>the opportunity to go before the PSC after he failed</b>  21 <b>his anesthesia rotation?</b>  22 A. He -- he was not, because that was, as I  23 recall, that was one of the stipulations, that it  24 was kind of like a final decision in the sense that,  25 look, we're going to allow you to come back, okay,</p>
<p style="text-align: right;">27</p> <p>1 A. Yes.  2 <b>Q. And do you recall who informed you of</b>  3 <b>that?</b>  4 A. That would have been, as is usual, as is  5 usual, the case, that would have been Dr. Gilmour,  6 because I -- any information regarding a student  7 case, and this is -- this is my practice as Dean, I  8 delegate to the Associate Dean of students, in this  9 case, Dr. Gilmour, and then that person informs me.  10 So, that's -- that was the situation with  11 Jonathan. I don't -- I don't remember if it was a  12 week or two week, I don't exactly remember when  13 the -- in the course, I know that he was -- must  14 have been towards the end of that course, that  15 Dr. Gilmour did tell me, he says, I need to inform  16 you that Jonathan has failed the -- that rotation.  17 <b>Q. Were you also informed by Dr. Gilmour that</b>  18 <b>Dr. Di Concetto wanted to give Jonathan another</b>  19 <b>opportunity?</b>  20 A. I don't recall -- I don't -- yes, the  21 answer to that is yes, but I don't recall when in  22 the timeline that happened.  23 <b>Q. Okay. Was there a final decision to</b>  24 <b>dismiss Jonathan from the school at that time?</b>  25 A. So, there was. And that was my decision</p>	<p style="text-align: right;">29</p> <p>1 on academic probation and you need to make a grade  2 of C or better, and that would be the final  3 decision.  4 <b>Q. Okay. When you made the decision to</b>  5 <b>dismiss Jonathan, did you take into account the</b>  6 <b>concerns that Dr. Di Concetto had about that</b>  7 <b>particular rotation?</b>  8 A. I did. As I recall, yes, I did.  9 <b>Q. But you didn't feel that those concerns</b>  10 <b>warranted giving Jonathan another opportunity?</b>  11 A. I did not.  12 <b>Q. Why not?</b>  13 A. Well, I felt that, you know, he had been  14 given opportunities to remediate, if you will,  15 certainly, with the discussions that he had with  16 him, and then I felt that -- and I don't remember  17 how many other students, a core group of students  18 that were with him in anesthesia had done well,  19 they -- they -- so I felt that the opportunity to  20 learn was -- even though it was difficult, because  21 it was a new, you know, circumstances with COVID,  22 that the other students did well, so I felt that he  23 had been given ample opportunities, we had -- we had  24 a good discussion about what he could do, so that  25 was my final decision.</p>



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9 (Pages 30 to 33)

<p style="text-align: right;">30</p> <p>1 <b>Q. When you say that you had a discussion</b>  2 <b>about what he could do, are you talking about the</b>  3 <b>meeting that you had had with him previously?</b>  4 A. Yes. That goes back to -- to that -- not  5 of his letter of appeal, but on the one-on-one that  6 him and I had.  7 <b>Q. All right. I'm going to -- I know you</b>  8 <b>have the exhibits there printed out, I believe,</b>  9 <b>right?</b>  10 MR. PRATT: We do.  11 <b>Q. We've talked about almost all of these</b>  12 <b>here, but I just want to take you through some of</b>  13 <b>these -- these documents here and make sure that I</b>  14 <b>understand everything here. The first one I'd like</b>  15 <b>to look at is marked Board 01177 through 1178. If</b>  16 <b>we could mark that as Exhibit 1.</b>  17 MR. PRATT: Jason, on the ones that we  18 were sent, none of them have Bates stamp numbers on  19 them.  20 MR. BACH: You're kidding.  21 MR. PRATT: No, I don't know why. We have  22 as the first one, though, an e-mail sent on March  23 22nd, 2020 to Margi Gilmour.  24 MR. BACH: Okay.  25 MR. PRATT: Is that -- is that correct?</p>	<p style="text-align: right;">32</p> <p>1 A. That is correct, yes.  2 <b>Q. And that -- who attended that meeting?</b>  3 A. That was Dr. Gilmour and myself.  4 <b>Q. There was --</b>  5 A. That I recollect.  6 <b>Q. Okay. No one else was there?</b>  7 A. No one else, no, sir.  8 <b>Q. And what did you discuss at -- at that</b>  9 <b>meeting?</b>  10 A. At that time, we -- we discussed the  11 recommendation, so, if you read below, "Dr. Gilmour,  12 please find attached a letter recommending dismissal  13 of Jonathan Rivera," so we discussed that summary,  14 and that's where I -- that's with Dr. Gilmour,  15 that's when I became aware of Jonathan's situation.  16 <b>Q. But you said that Dr. Gilmour didn't make</b>  17 <b>any type of recommendations as to what you should</b>  18 <b>do?</b>  19 A. I -- I -- what -- no. She -- she did not  20 say to me, I think you should accept the  21 recommendation by the PSC. We -- we -- we did -- we  22 did review in this meeting also his -- Jonathan's  23 failure in small animal internal medicine, and then,  24 of course, his failure in community -- in community  25 practice, but that's -- that's my recollection of my</p>
<p style="text-align: right;">31</p> <p>1 MR. BACH: Yes. So, it would be the first  2 two pages of that. So it should be in order.  3 MR. PRATT: It is. I believe we have them  4 in the order they were sent, but for whatever  5 reason, these documents, at least I don't see any of  6 them that have Bates stamps on them.  7 MR. BACH: Does the court reporter have  8 Bates stamps on them, on the documents?  9 BY MR. BACH:  10 <b>Q. Let's just go ahead here and I'll make</b>  11 <b>sure I do everything I can here and make sure we're</b>  12 <b>looking at the right -- right document here, so...</b>  13 <b>But, Dr. Risco, if you could take a look at</b>  14 <b>those two pages and let me know when you've had an</b>  15 <b>opportunity to -- to see that.</b>  16 A. These two? So, yeah, the one -- the one  17 that I have, it says from Dr. Gilmour, "Carlos, we  18 can talk with this Monday when you have time." Is  19 that the one that you're referring to?  20 <b>Q. Yes.</b>  21 A. So prior to that, yes, I'm aware of this  22 communication.  23 <b>Q. And then it looks like that there was a</b>  24 <b>meeting scheduled for that Monday at 11:00 a.m.; is</b>  25 <b>that right?</b></p>	<p style="text-align: right;">33</p> <p>1 meeting with her. And the main thing that I did is,  2 I asked Margi to make sure that we are compliant of  3 our policies and guidance.  4 <b>Q. Okay. All right. If you take a look at</b>  5 <b>the next two pages, which should be an e-mail from</b>  6 <b>Jonathan to you on March 24th of 2020.</b>  7 A. Okay.  8 <b>Q. And there's an e-mail that apparently is</b>  9 <b>scheduling that meeting; do you see that?</b>  10 A. Yes. Okay, I see it.  11 <b>Q. All right. I'm going to mark this as</b>  12 <b>Exhibit Number 2, and just for the records, Board</b>  13 <b>01223 through 224. Dr. Risco, let's call your</b>  14 <b>attention to the first page of this document, this</b>  15 <b>e-mail from Jonathan. In here he says that he</b>  16 <b>wants -- he wants to meet with you as soon as</b>  17 <b>possible, and then he mentions in the second</b>  18 <b>sentence a meeting that you had with his parents a</b>  19 <b>few weeks before that. Do you see that?</b>  20 A. Yes.  21 <b>Q. Do you believe that that's an accurate</b>  22 <b>reflection of the timeline as to when you may have</b>  23 <b>met with his -- his parents?</b>  24 A. I would say it is, based on the date.  25 <b>Q. Okay. And the meeting that was scheduled</b></p>

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10 (Pages 34 to 37)

<p style="text-align: right;">34</p> <p>1 with Jonathan is the one-on-one meeting that we had  2 previously talked about here today; is that right?  3 A. Yes.  4 Q. All right. And if we could go on to the  5 next set of documents here, and this is going to be  6 one, two -- six pages. Starting with an e-mail from  7 Jonathan on March 29th of 2020. And just for the  8 record, it is Board 01296 through 1301, we'll mark  9 as Exhibit Number 3.  10 Do you have those -- those pages in front of  11 you?  12 MR. PRATT: I'm trying to ensure that we  13 have the same document. So, it starts -- it starts  14 with an e-mail sent Sunday, March 29th, 2020 at  15 5:54?  16 MR. BACH: Right, that's right.  17 MR. PRATT: Okay. And it's followed --  18 that is followed by an attached letter of appeal?  19 MR. BACH: Right.  20 MR. PRATT: Okay. And that's a two-page  21 letter.  22 MR. BACH: Right.  23 MR. PRATT: Followed by an e-mail that  24 says, "Jonathan's letter, we can discuss"?  25 MR. BACH: Right.</p>	<p style="text-align: right;">36</p> <p>1 A. That's correct. That's -- that's his  2 appeal, the attachment, his appeal, that's correct.  3 Q. All right. Can you tell me what portions  4 of this appeal changed your mind?  5 A. May I -- may I take a --  6 Q. Absolutely.  7 A. So, on -- on the first page where it says  8 that he addresses the letter to me and the members  9 of the Professional Standard Committee, on that --  10 on that first page he discusses what I mentioned  11 earlier of how -- you know, how would he mitigate  12 the circumstances that led to his poor performance,  13 and then on the second page is, if you -- second  14 page, those four items of communication, case  15 preparation, patient care, and then demonstration of  16 professional ethical behavior, those four points,  17 that's what I -- that's what I mentioned to you  18 earlier that I felt that he had provided me with a  19 compelling plan, plan of action to -- to improve his  20 clinical performance.  21 Q. And did you receive this after you had met  22 with him, after you met with Jonathan?  23 A. My recollection is that I received -- I  24 received this first -- I received this documentation  25 before I met with him in person.</p>
<p style="text-align: right;">35</p> <p>1 MR. PRATT: It also has the same appeal  2 attached?  3 MR. BACH: Exactly.  4 MR. PRATT: And is that --  5 MR. BACH: That is it.  6 MR. PRATT: That's it. Okay. Just making  7 sure. I'm sorry, I know that's -- I don't know why  8 the Bate stamps -- if that's on our end or what.  9 MR. BACH: And, Clint, if you want to take  10 a break, I can have those re-sent over to you, so  11 that you have the ones with Bate stamps on them.  12 MR. PRATT: They're in order, unless it's  13 causing you a major problem, I think we can navigate  14 it.  15 MR. BACH: Okay. All right.  16 THE WITNESS: Okay.  17 BY MR. BACH:  18 Q. Okay. Do you -- I'm sorry, do you recall  19 receiving this document or this e-mail from -- from  20 Jonathan?  21 A. Yes.  22 Q. And I -- I believe that you had said  23 earlier that there were some things in his -- his  24 written appeal that resulted in you ultimately  25 making a decision to not dismiss him; is that right?</p>	<p style="text-align: right;">37</p> <p>1 Q. Okay.  2 A. And -- and go ahead.  3 Q. To -- to possibly refresh your  4 recollection here, if you could go back and look at  5 the second exhibit that we had here a few minutes  6 ago, and take a look at the dates on those e-mails  7 and tell me if that refreshes your recollection at  8 all as to that.  9 A. So March -- March -- Tuesday, March 24,  10 I'm trying to see -- okay. So, what I have here is  11 March 24th, 9:39 a.m., from Melinda Tharp, telling  12 me that she would schedule -- I guess I will get  13 that on his calendar and I believe -- so I'm sorry,  14 and then the one below that was sent March 24th,  15 9:22 a.m. from Jonathan to Melinda Tharp, 1 -- at  16 1:30 p.m. would be a good time for me. And if you  17 read below that, Melinda Tharp is saying -- is  18 asking Jonathan to e-mail you on his behalf to set  19 up a meeting for today and the availability that I  20 have. So that indicates to me that, yes, it was  21 March -- March 24 when I met with Jonathan.  22 Q. Okay. And then if you look at the third  23 exhibit, it looks like that was sent on March 29th;  24 is that right?  25 A. Correct. Okay, yes, March 29th from</p>

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11 (Pages 38 to 41)

<p style="text-align: right;">38</p> <p>1 Jonathan, it was attached is his appeal letter.</p> <p>2 <b>Q. Okay. And so it would appear to me that</b></p> <p>3 <b>according to these e-mails, that you met with him on</b></p> <p>4 <b>March 24th, and then you received his written appeal</b></p> <p>5 <b>on March 29th; is that accurate?</b></p> <p>6 A. I -- I would -- I would agree with that,</p> <p>7 based on the dates, yes.</p> <p>8 <b>Q. Okay. Okay. Do you recall when you met</b></p> <p>9 <b>with Jonathan, if you gave him any suggestions as to</b></p> <p>10 <b>what he should include in his written appeal?</b></p> <p>11 A. Yes. I recall that mentioning to him that</p> <p>12 it's not only -- not only to me, the Dean, but also</p> <p>13 that it would be helpful to the Professional</p> <p>14 Standards Committee, and I think that's what he</p> <p>15 included in here, what he would do, what actions he</p> <p>16 would take to improve.</p> <p>17 <b>Q. Okay. And if you -- so with Exhibit 3</b></p> <p>18 <b>here, if you went to the fourth page in this,</b></p> <p>19 <b>there's an e-mail from Dr. Gilmour to yourself on</b></p> <p>20 <b>March 30th of 2020?</b></p> <p>21 A. March 30th?</p> <p>22 <b>Q. Right.</b></p> <p>23 A. Okay. Yes. What I have March 30th is</p> <p>24 from me, is that the one -- Jonathan's letter, we</p> <p>25 can discuss.</p>	<p style="text-align: right;">40</p> <p>1 A. No.</p> <p>2 <b>Q. All right. If we could go to the next</b></p> <p>3 <b>document, which is just a one-page document, an</b></p> <p>4 <b>e-mail from -- well, the top e-mail is from Margi</b></p> <p>5 <b>Gilmour to Robin Wilson on Monday, March 30th of</b></p> <p>6 <b>2020, and just for the record, it's Bates stamped</b></p> <p>7 <b>Board 01313. If we could mark that as Exhibit 4.</b></p> <p>8 A. Yes, sir.</p> <p>9 <b>Q. Below the e-mail on top, it just says FYI,</b></p> <p>10 <b>it appears to be an e-mail from you; is that -- is</b></p> <p>11 <b>that correct?</b></p> <p>12 A. I shared this with Dr. -- well, what I see</p> <p>13 here is from Dr. Gilmour to Robin Wilson.</p> <p>14 <b>Q. And then underneath --</b></p> <p>15 A. FYI, and then below is my recommendation</p> <p>16 to Dr. Reichard, right, yes, sir. I'm sorry, what</p> <p>17 is your question?</p> <p>18 <b>Q. In -- in this e-mail, you're simply</b></p> <p>19 <b>requesting that the committee reconsider --</b></p> <p>20 A. Oh.</p> <p>21 <b>Q. Reconsider their decision; is that right?</b></p> <p>22 A. Yes, sir. Yes. So, you know, I mention</p> <p>23 that I received from Jonathan the attached letter,</p> <p>24 so it would be an appeal letter, and that I am</p> <p>25 requesting that the committee consider his appeal</p>
<p style="text-align: right;">39</p> <p>1 <b>Q. Yes, yes. I misspoke, I apologize, it's</b></p> <p>2 <b>from you to Dr. Gilmour on --</b></p> <p>3 A. Okay.</p> <p>4 <b>Q. -- March 30th, 2020. Do you recall if</b></p> <p>5 <b>you, in fact, did have a meeting with Dr. Gilmour</b></p> <p>6 <b>and discussed this -- this letter from Jonathan?</b></p> <p>7 A. What I recall is that I met with her and</p> <p>8 informed her that I had received this letter, this</p> <p>9 appeal letter, but I don't recall if -- sorry, my</p> <p>10 memory is -- the timing of when I received the</p> <p>11 letter, the appeal letter and when I met with</p> <p>12 Jonathan, and I recall that I mentioned to</p> <p>13 Dr. Gilmour that, you know, based on his written</p> <p>14 appeal, based on this appeal and the discussion that</p> <p>15 I had, that I was going to recommend reinstatement.</p> <p>16 <b>Q. Okay. And do you recall if she shared</b></p> <p>17 <b>her -- her opinion on that?</b></p> <p>18 A. I don't specifically recall, I think that</p> <p>19 she may have -- what I do recall is that she -- she</p> <p>20 did tell me she felt that the standard of --</p> <p>21 Professional Standard Committee did act accordingly</p> <p>22 and that he was given an opportunity to, you know,</p> <p>23 to -- to express his -- his plan of action, and what</p> <p>24 he would do to -- to improve.</p> <p>25 <b>Q. But that didn't sway your decision?</b></p>	<p style="text-align: right;">41</p> <p>1 and respond or make further recommendations to me</p> <p>2 within five days, yes.</p> <p>3 <b>Q. And then the -- the last sentence of the</b></p> <p>4 <b>first paragraph there, it says, "Importantly, he</b></p> <p>5 <b>provides a plan to improve his professional demeanor</b></p> <p>6 <b>and performance on clinical rotations." Do you see</b></p> <p>7 <b>that?</b></p> <p>8 A. Yes, sir.</p> <p>9 <b>Q. Okay. So, at that point in time, had</b></p> <p>10 <b>you -- had you already made the decision that you</b></p> <p>11 <b>were going to reinstate Jonathan --</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. -- regardless of what the committee did?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. All right. If we go can go to the next</b></p> <p>16 <b>document, which is one page, it's a letter addressed</b></p> <p>17 <b>to you on April the 3rd, 2020.</b></p> <p>18 A. Well, that one that have -- I'm sorry, I</p> <p>19 have April the 3rd. Yes, sir.</p> <p>20 <b>Q. And just for the record, it is Board</b></p> <p>21 <b>01378, if we could mark that as Exhibit Number 5.</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. Do you recognize this document?</b></p> <p>24 A. Yes, sir. I recognize it.</p> <p>25 <b>Q. And this is a letter that the PSC sent to</b></p>

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<p style="text-align: right;">42</p> <p>1 you after you had asked them to reconsider their 2 decision; is that right? 3 A. Yes. 4 Q. And they came back and said they're 5 standing by their original recommendation, is 6 that -- is that fair to say? 7 A. Yes. 8 Q. All right. And if we could go to the next 9 two pages here, which is -- starts off with an 10 e-mail from Dr. Gilmour to you on April 4th of 2020 11 at 4:05 p.m.? 12 MR. PRATT: Jason, I only have that as a 13 single-page document. 14 MR. BACH: Okay. So, there should be 15 another page after that, that originally I think 16 they were separated, but I -- I don't think they 17 should have been and it's just the -- it says what 18 Risco proposed for JRP. 19 MR. PRATT: Yes, I have those, they were 20 included as a separate exhibit, do you want to 21 combine those or just refer to them separately? 22 MR. BACH: Yeah, let's combine those, 23 those were supposed to be together. 24 THE WITNESS: Yes. So, the document that 25 I have is from Margi Gilmour to me, Saturday, April</p>	<p style="text-align: right;">44</p> <p>1 in-person rotation and then remediate CP and small 2 animal medicine before allowing to complete 3 remaining rotations. Must receive a C or higher, 4 and that he would be placed on -- yes, they -- they 5 are. 6 Q. Okay. And at that point in time, did you 7 have any idea as to when in-person rotations would 8 begin again? 9 A. I did not. 10 Q. And you said that they did start back in 11 person, you said around in June, I believe, is 12 that -- 13 A. We went back, we went to -- I think it was 14 June or July, that we went what we're calling kind 15 of like a hybrid, that we allowed students -- 16 students were broken down into Group A, Group B and 17 they were allowed one or two days to come back to 18 the hospital and participate in -- in person. 19 That's what I -- what I recall. 20 Q. Okay. All right. The next document is a 21 two-page document, and it's a -- a letter or memo 22 that is from you to the PSC on April 6th of 2020? 23 A. Yes, I recognize this communication. 24 Q. Okay. And for the record, it's Board 25 01415 through 16, we can mark that as Exhibit Number</p>
<p style="text-align: right;">43</p> <p>1 the 4th at 4:05 p.m., "Hi, Carlos, for your 2 information, I summarized the recommendations you 3 had outlined when we last spoke about Jonathan's 4 case. I have attached them for your convenience in 5 case you would like to let Jonathan continue the 6 program." Yes, sir. 7 Q. Okay. 8 A. That's the document. 9 Q. All right. And just for the record is 10 Board 01384 through 85, we can mark that as Exhibit 11 Number 6. Dr. Risco, on the -- the page after that, 12 there's -- where it says, "What Risco proposed for 13 JRP," and there are a number of items that are 14 numbered one through six. Do you see that? 15 A. Yes, sir. 16 Q. Are -- are these the stipulations that you 17 talked about earlier that Jonathan would have to 18 adhere to in order to stay in the program? 19 A. Yes. 20 Q. Okay. And were each of these stipulations 21 your idea, or were any of them suggested by anyone 22 else? 23 A. So -- so, they were my idea, based on 24 policies that we have. So, for example, that he be 25 suspended from the program until we're back</p>	<p style="text-align: right;">45</p> <p>1 7. Can you tell me what this document is? 2 A. So, this document is April 6th from me, to 3 the Professional Standards Committee, to 4 Dr. Reichard, who was the chair. And what it states 5 is that after consideration of the response to the 6 PSC committee that I have decided to take the 7 following actions that will allow him to remain in 8 the professional program with the following 9 conditions or stipulations, that he -- that he would 10 be allowed to complete his current rotation, 11 Rotation 16, and must achieve a C. That he will be 12 placed on academic suspension, he must receive a C 13 grade or higher in both remediated rotations, yes. 14 And then that he will continue on academic probation 15 for the duration of his clinical year, failure to 16 receive a C grade or higher on any rotation during 17 the remainder of the year will result in dismissal 18 from the program without PSC review or appeal. And 19 then the last bullet is that he will accountable for 20 the plan of improvement included in his letter of 21 appeal. And that Dr. Gilmour will inform Jonathan 22 of my decision. 23 Q. Okay. 24 A. Yeah. And then, of course, just that my 25 decision does not trivialize the concerns expressed</p>



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13 (Pages 46 to 49)

<p style="text-align: right;">46</p> <p>1 by the Professional Standard Committee, so --</p> <p>2 <b>Q. Did you have any concern about not</b></p> <p>3 <b>following the recommendation of the PSC?</b></p> <p>4 A. I'm sorry, could you restate?</p> <p>5 <b>Q. Sure. Let me see if I can ask that in a</b></p> <p>6 <b>better way here. I imagine it wasn't an easy</b></p> <p>7 <b>decision to reverse the recommendation of the PSC,</b></p> <p>8 <b>is that -- is that fair to say?</b></p> <p>9 A. That's correct.</p> <p>10 <b>Q. Have you -- Is this the only time that you</b></p> <p>11 <b>have not followed the recommendation of the PSC?</b></p> <p>12 A. I don't recall in the five and a half</p> <p>13 years that I've been Dean at Oklahoma State where I</p> <p>14 have had to -- where I've reversed or did not</p> <p>15 assent, I should say, the recommendation from the</p> <p>16 PSC committee.</p> <p>17 <b>Q. Okay. All right. If we can move on here</b></p> <p>18 <b>to the next set of documents, which are numbered</b></p> <p>19 <b>pages, let's see how many pages we have.</b></p> <p>20 <b>So it's seven pages that begin with an e-mail</b></p> <p>21 <b>from Dr. Di Concetto on Tuesday, April 21st at 11:07</b></p> <p>22 <b>a.m. If you want to take a few moments and read</b></p> <p>23 <b>that.</b></p> <p>24 A. Yes, please do.</p> <p>25 <b>Q. That's fine.</b></p>	<p style="text-align: right;">48</p> <p>1 <b>here. It says, "Given the abnormal nature of the</b></p> <p>2 <b>rotation, to me, it would make sense to allow</b></p> <p>3 <b>someone to repeat it once the circumstances are</b></p> <p>4 <b>normalized, especially when, in his case, failing</b></p> <p>5 <b>this unconventional rotation results in being</b></p> <p>6 <b>dismissed from the program. And if the</b></p> <p>7 <b>circumstances don't become normal soon enough, I</b></p> <p>8 <b>think he should be at least allowed to retake the</b></p> <p>9 <b>written quiz with the agreement that if he fails it,</b></p> <p>10 <b>there will be no other chances." Do you see that</b></p> <p>11 <b>there?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Okay. You don't recall if you had seen</b></p> <p>14 <b>that, though, before you made the final decision to</b></p> <p>15 <b>dismiss Jonathan; is that -- is that right?</b></p> <p>16 A. I -- I don't.</p> <p>17 <b>Q. Okay. Regardless, this wouldn't have</b></p> <p>18 <b>swayed your decision one way or another?</b></p> <p>19 A. It -- it would not have.</p> <p>20 <b>Q. Why not?</b></p> <p>21 A. Well, I -- as I mentioned earlier, I</p> <p>22 felt -- so, I -- I felt that he -- he had given --</p> <p>23 he was given the chance, and that his fellow</p> <p>24 students, that the students that were in his group</p> <p>25 that were in the same situation that he was, that</p>
<p style="text-align: right;">47</p> <p>1 A. Okay.</p> <p>2 <b>Q. All right. And just for the record,</b></p> <p>3 <b>it's -- the documents are Board 1464 through 1470,</b></p> <p>4 <b>we can mark that as Exhibit Number 8. Dr. Risco, we</b></p> <p>5 <b>had previously talked about that Jonathan did not</b></p> <p>6 <b>receive a passing score, or passing grade in Dr. Di</b></p> <p>7 <b>Concetto's rotation; is that right?</b></p> <p>8 A. Correct.</p> <p>9 <b>Q. And that was ultimately what led to you</b></p> <p>10 <b>making the final decision to dismiss him from the</b></p> <p>11 <b>program; is that -- is that accurate?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. On the first page here of this exhibit,</b></p> <p>14 <b>there's an e-mail about two-thirds of the way down</b></p> <p>15 <b>from Dr. Di Concetto to Dr. Gilmour on April 20th at</b></p> <p>16 <b>5:39 p.m. Do you see that?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. Okay. Have you seen this e-mail before?</b></p> <p>19 A. I have.</p> <p>20 <b>Q. Had you seen this e-mail before you made</b></p> <p>21 <b>the decision to dismiss Jonathan from the program?</b></p> <p>22 A. I don't -- I don't recall the date and the</p> <p>23 timing. I don't -- I don't recall that.</p> <p>24 <b>Q. Okay. In the second sentence of that</b></p> <p>25 <b>e-mail, I'm just going to read those few sentences</b></p>	<p style="text-align: right;">49</p> <p>1 they successfully completed the -- that rotation.</p> <p>2 <b>Q. Okay.</b></p> <p>3 A. And so I felt at the time that he -- he</p> <p>4 was given, you know, a fair opportunity to come back</p> <p>5 and -- and perform in that -- in that rotation.</p> <p>6 That was my primary thought.</p> <p>7 <b>Q. Did you have any conversations with Dr. Di</b></p> <p>8 <b>Concetto about that?</b></p> <p>9 A. I did not.</p> <p>10 <b>Q. How about with -- with Dr. Gilmour, did</b></p> <p>11 <b>you have any discussions, outside of this e-mail</b></p> <p>12 <b>chain, with her?</b></p> <p>13 A. The -- the conversation that I recall</p> <p>14 having with her is that we need to follow the policy</p> <p>15 that is written in the syllabus, because that's</p> <p>16 given to all of us, so what does the policy say.</p> <p>17 And I do recall that I talked to her, I brought it</p> <p>18 up, I told her, it seems that all the students were</p> <p>19 given -- were under the same circumstances in that</p> <p>20 rotation, you know, that were being trained</p> <p>21 remotely, and that they did -- they performed well,</p> <p>22 they completed their rotation. And at the time, I</p> <p>23 felt that it was -- that it was -- that the</p> <p>24 students, that the situation was not a disadvantage,</p> <p>25 that's -- when I refer to "the situation," I'm</p>



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<p style="text-align: right;">50</p> <p>1 talking about, you know, the way that anesthesia 2 rotation, I believe it was Number 16, was delivered, 3 that it wasn't a disadvantage, it wasn't a 4 disadvantage to the students. 5 <b>Q. Okay. If we could just take a look at the</b> 6 <b>final document here, which is one page, it appears</b> 7 <b>to be a letter from April 21st of 2020. And for the</b> 8 <b>record is Board 01471, and if we could mark that as</b> 9 <b>Exhibit 9, please. Have you seen this document</b> 10 <b>before?</b> 11 A. I have. 12 <b>Q. And can you tell me what it is?</b> 13 A. So the document is from Dr. Gilmour dated 14 April 21st, 2020, "Dear Jonathan, I'm very sorry to 15 inform you that due to receiving a D grade in the 16 anesthesia rotation, per the academic suspension 17 guidelines outlined in the letter dated 4" -- "April 18 6th, '20, you are dismissed from our clinical year 19 program, with no Professional Standard Committee 20 review or appeal. The Dean has reviewed your 21 academic record and has approved the dismissal 22 action." And it is regrettably I relayed this 23 decision. 24 <b>Q. And this was signed by Dr. Gilmour. But</b> 25 <b>did this come at -- at your direction?</b></p>	<p style="text-align: right;">52</p> <p>1 <b>program for the clinical studies via clinical</b> 2 <b>rotations; is that correct?</b> 3 A. Correct. 4 <b>Q. Can you describe for us in a little more</b> 5 <b>detail the distinction or the difference between the</b> 6 <b>three years of preclinical studies versus what</b> 7 <b>students would experience in the singular year of</b> 8 <b>clinical studies?</b> 9 A. Yes. So, the first three years, as I 10 mentioned, are what we call the preclinical, they're 11 based in two areas. One, and there's a series of 12 courses that they take, first year, second year, 13 third year. Those clinical -- that preclinical 14 program, in essence, they prepare the student to 15 enter clinics. The preclinical training is 16 lectures, expanse, so they're didactic lectures that 17 we're familiar with, and there's examination, some 18 courses may be a midterm with a final, some courses 19 are just a final. 20 If the student, our students, our Oklahoma 21 State students, if they -- if they do well, in other 22 words, they're not in any academic concern, then 23 they can move to the clinical rotation or the 24 clinical training. The clinical training is 25 completely different. The clinical training is</p>
<p style="text-align: right;">51</p> <p>1 A. This -- this document came in discussion 2 with me with Dr. Gilmour, after -- after I became 3 aware that he had failed the anesthesia rotation, so 4 he got below a C, and then as it is our policy, 5 the -- I agreed that the Associate Dean for students 6 in academic affairs is the one that informs the 7 student, indicating that I had reviewed his records. 8 <b>Q. And that's exactly what happened here,</b> 9 <b>right?</b> 10 A. That's -- yes. 11 <b>Q. Okay.</b> 12 MR. BACH: All right, Dr. Risco, I 13 appreciate your time here today, I don't have 14 anything else to ask you here, so I'll pass the 15 witness. 16 THE WITNESS: Thank you. 17 CROSS-EXAMINATION 18 BY MR. PRATT: 19 <b>Q. I have one follow-up question, so I don't</b> 20 <b>think we need a break. Well, I say one, I have a</b> 21 <b>couple, but I don't think it will take us very long.</b> 22 <b>Dean Risco, in one of your responses to Mr. Bach,</b> 23 <b>you briefly touched on the structure of the OSU</b> 24 <b>veterinary medicine program being a three-year</b> 25 <b>program for preclinical studies, and then a one-year</b></p>	<p style="text-align: right;">53</p> <p>1 based, depending on the rotation, so, for example, 2 it could be community practice, it could be small 3 animal medicine, the student, with their clinician, 4 they see -- what we call, they see cases. 5 A case comes in, every rotation, that's a 6 little bit different, the student takes a history, 7 they do a physical exam and they're instructed by 8 the clinician on how to do a physical examination, 9 how to take a history, which tests, ancillary tests, 10 would they take blood work, et cetera, and then put 11 the case together and come up with what we call a 12 differential diagnosis. 13 And then the students, and this is what we call 14 rounds, which is away from the client, not in the 15 presence of the client, where the clinician asks 16 questions to the students, how did you arrive at the 17 diagnosis, did you consider this. I'm going to 18 specific -- into specific detail. What treatment 19 would you provide and why? For example, why do 20 you -- why would you prescribe this antibiotics, and 21 that is the very essence of the formation of -- of a 22 veterinarian, active practice. 23 In addition, those students, again, depending 24 on the rotation, are responsible for -- if the 25 patient, while they're under our care to take, for</p>

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15 (Pages 54 to 57)

<p style="text-align: right;">54</p> <p>1 example, temperature, pulse, respiration, make  2 observations, working with the technicians who  3 administer the -- the treatment, and to provide back  4 to the clinician, how is the case progressing. Now,  5 the clinician is also involved, it's not like we  6 delegate it to the students, so they're working  7 together, that's -- that's the main difference.  8 <b>Q. Okay. So, I don't want to put words in</b>  9 <b>your mouth, so please -- please tell me if this is</b>  10 <b>accurate. The way I've heard you describe these two</b>  11 <b>separate portions of the program, the preclinical</b>  12 <b>versus the clinical portion, I believe the three</b>  13 <b>years of preclinical you have described are more</b>  14 <b>akin to what I think most people would perceive as</b>  15 <b>being a standard college course, you've described</b>  16 <b>lectures and exams. Would you agree that that's</b>  17 <b>accurate?</b>  18 A. Yes.  19 <b>Q. But it sounds like you described a unique</b>  20 <b>nature to the clinical portion of the program, it is</b>  21 <b>different from what the standard college course</b>  22 <b>would look like. Is that correct?</b>  23 A. That's correct.  24 <b>Q. In your time as Dean of the Veterinary</b>  25 <b>School at Oklahoma State, are you aware of any</b></p>	<p style="text-align: right;">56</p> <p>1 respiration, they observe that the animal is eating,  2 and they don't observe, and they say, yes, this  3 is -- that would be a closest one that I could come  4 up with, with a lack of integrity.  5 MR. PRATT: I have no other questions.  6 REDIRECT EXAMINATION  7 BY MR. BACH:  8 <b>Q. Dr. Risco, I do have a couple of follow-up</b>  9 <b>questions here. When you made the decision to</b>  10 <b>dismiss Jonathan from the program, did you consider</b>  11 <b>the entirety of his academic record?</b>  12 A. I did.  13 <b>Q. And did you review his academic record?</b>  14 A. I did, as it was provided to me, yes.  15 <b>Q. Did you review any documents or e-mails</b>  16 <b>that indicated that Jonathan had been dishonest in</b>  17 <b>some of his rotations?</b>  18 A. What I -- what I recall reading in his --  19 in his evaluation from the faculty, the word  20 "dishonesty" was used, but I wasn't aware, I'm not  21 aware of any details, specifically, what does that  22 mean, or what was implied.  23 <b>Q. And were you aware of -- of allegations by</b>  24 <b>the faculty in the community practice rotation that</b>  25 <b>Jonathan had been unprofessional with them?</b></p>
<p style="text-align: right;">55</p> <p>1 <b>instances of academic integrity violations being</b>  2 <b>filed or brought against clinical students?</b>  3 A. No.  4 <b>Q. Do you know why that might be?</b>  5 A. When -- so the -- when we use this word  6 "integrity" in the -- there's a number of -- of  7 reasons why that may -- may happen. One, the  8 obvious one, a student cheated on an exam. They  9 copied each other, under that umbrella of cheating.  10 That's one.  11 Another one could be plagiarism, depending  12 on -- depending on the course, our students are  13 asked to gather a report for credit as part of their  14 credit, and, of course, it's plagiarism. The other  15 one that it may happen is, in research, where you  16 simply come up with data, you fill in, and this is  17 not data that came from an observation, whether it's  18 a blood work, whether it's -- regardless of what it  19 is, those are the main -- the main areas.  20 It's -- they -- the integrity of this -- this  21 work in the clinical setting, would be very  22 difficult to -- to document, outside of the fact  23 that you may have a student that then they say,  24 well, the -- remember, I mention that they observed  25 the animal, the temperature, the pulse, the</p>	<p style="text-align: right;">57</p> <p>1 A. Based on, again, the -- the information  2 that I received when I was studying his record,  3 there were indications that he had been  4 unprofessional in his communication, and I also did  5 ask Jonathan, again, in my meeting with him,  6 Jonathan, tell me, what -- what does that mean,  7 what -- what would have occurred, and that's when I  8 did a little bit of my coaching to him, suggestions  9 that I made to him, and it goes back to his  10 willingness and ability to take constructive  11 criticism. That's my recollection of that.  12 MR. BACH: I don't have anything further.  13 MR. PRATT: Okay. We'll read and sign.  14 MR. BACH: All right. Dr. Risco, I  15 appreciate your time here today.  16 (Deposition concluded at 11:34 a.m.)  17  18  19  20  21  22  23  24  25</p>

<div>1 ERRATA SHEET</div> <div>2 WITNESS: CARLOS RISCO, DVM</div> <div>3 DATE: JUNE 12, 2023</div> <div>4 REPORTER: Brenda Schmitz, CSR, RPR</div> <div>5 NO CORRECTIONS ARE NECESSARY</div> <div>6 PAGE LINE CORRECTION REASON</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>1 CERTIFICATE</div> <div>2 STATE OF OKLAHOMA )</div> <div>3 ) SS:</div> <div>4 OKLAHOMA COUNTY )</div> <div>5 I, Brenda Schmitz, Certified Shorthand Reporter</div> <div>6 within and for the State of Oklahoma, do hereby</div> <div>7 certify that the above-named CARLOS RISCO, DVM, was</div> <div>8 by me first duly sworn to testify to the truth, the</div> <div>9 whole truth, and nothing but the truth in the case</div> <div>10 aforesaid; that the above and foregoing deposition</div> <div>11 was by me taken in shorthand and thereafter</div> <div>12 transcribed; that the same is true and correct; and</div> <div>13 that it was taken on JUNE 12, 2023, at the time of</div> <div>14 10:04 a.m. in the City of Stillwater, County of</div> <div>15 Payne, State of Oklahoma under the stipulations</div> <div>16 hereinbefore set out, and that I am not attorney for</div> <div>17 or relative of any of said parties or otherwise</div> <div>18 interested in the event of said action.</div> <div>19 IN WITNESS WHEREOF, I have hereunto set my hand</div> <div>20 and official seal this 19th day of June, 2023.</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div><div><div><div><div><div></div><div></div><div></div><div></div><div></div></div><div><div><div><span></span></div><div><span></span></div></div></div><div><div><div></div></div></div><div><div><div></div></div></div><div><div><div></div></div></div></div></div><div><div>Brenda Schmitz</div><div>BRENDA SCHMITZ, CSR, RPR #18230</div><div>Oklahoma Certified Shorthand Reporter</div><div>Certificate No. 00823</div><div>Expires: December 31, 2023</div></div></div></div>
<div>1 JURAT</div> <div>2 I, CARLOS RISCO, DVM, do hereby state under</div> <div>3 oath that I have read the above and foregoing</div> <div>4 transcript in its entirety, and that the same is a</div> <div>5 full, true, and correct transcription of my</div> <div>6 testimony so given at said time and place, except</div> <div>7 for the corrections noted.</div> <div>8</div> <div>9</div> <div>10 CARLOS RISCO, DVM</div> <div>11</div> <div>12 SUBSCRIBED AND SWORN TO BEFORE ME, the</div> <div>13 undersigned Notary Public in and for the State of</div> <div>14 _____ on this, the _____ day of</div> <div>15 _____, 2023.</div> <div>16</div> <div>17 Notary Public</div> <div>18 My Commission Expires: _____</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>REPORTED BY: BRENDA SCHMITZ, CSR, RPR</div>	<div>59</div>

Carlos Risco, DVM  
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**From:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Sent:** Sunday, March 22, 2020 3:40 PM CDT  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** RE: PSC recommendation letter for Jonathan Rivera-Pierola

Hi Margi,  
No problem I will have Deborah schedule a time to meet.

Thanks

CARLOS RISCO, DVM, DACT  
PROFESSOR AND DEAN  
College of Veterinary Medicine  
405.744.6648 • 205 McElroy Hall  
[carlos.risco@okstate.edu](mailto:carlos.risco@okstate.edu) • [unimeml.okstate.edu](http://unimeml.okstate.edu)

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**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Sent:** Sunday, March 22, 2020 3:09 PM  
**To:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Subject:** FW: PSC recommendation letter for Jonathan Rivera-Pierola

Hi Carlos,

We can talk about this Monday when you have time so I can go over what can happen at this point. I would like to send Jonathan the letter tomorrow, but would prefer to meet with you first.

Thanks,  
Margi

---

**From:** Reichard, Mason <mason.reichard@okstate.edu>  
**Sent:** Saturday, March 21, 2020 9:40 AM  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Cc:** Wilson, Robin <robin.wilson@okstate.edu>  
**Subject:** PSC recommendation letter for Jonathan Rivera-Pierola

Dr. Gilmour,

Please find attached a letter recommending dismissal of Jonathan Rivera-Pierola. If there is any other information you need from the PSC, please let me know.

Regards,

Mason

Mason Reichard, MS, PhD  
Professor  
College of Veterinary Medicine  
Oklahoma State University  
Stillwater, OK 74078

<< File: Rivera-Pierola\_PSC Dismissal Recommendation\_21Mar2020.docx >>



**From:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Sent:** Monday, March 23, 2020 9:58 AM CDT  
**To:** Shields, Deborah <deborah.shields@okstate.edu>  
**Subject:** FW: Print for my 11 am  
**Attachment(s):** "Rivera-Pierola\_PSC Dismissal Recommendation\_21Mar2020.docx"

Print the attached letter for my 11 am

Thanks

CARLOS RISCO, DVM, DACT  
PROFESSOR AND DEAN  
College of Veterinary Medicine  
405.744.6648 • 205 McElroy Hall  
[carlos.risco@okstate.edu](mailto:carlos.risco@okstate.edu) • [vetmed.okstate.edu](http://vetmed.okstate.edu)

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**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Sent:** Sunday, March 22, 2020 3:09 PM  
**To:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Subject:** FW: PSC recommendation letter for Jonathan Rivera-Pierola

Hi Carlos,

We can talk about this Monday when you have time so I can go over what can happen at this point. I would like to send Jonathan the letter tomorrow, but would prefer to meet with you first.

Thanks,  
Margi

---

**From:** Reichard, Mason <mason.reichard@okstate.edu>  
**Sent:** Saturday, March 21, 2020 9:40 AM  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Cc:** Wilson, Robin <robin.wilson@okstate.edu>  
**Subject:** PSC recommendation letter for Jonathan Rivera-Pierola

Dr. Gilmour,

Please find attached a letter recommending dismissal of Jonathan Rivera-Pierola. If there is any other information you need from the PSC, please let me know.

Regards,

Mason

Mason Reichard, MS, PhD  
Professor  
College of Veterinary Medicine  
Oklahoma State University  
Stillwater, OK 74078



**From:** Rivera-pierola, Jonathan <jonariv@ostatemail.okstate.edu>  
**Sent:** Tuesday, March 24, 2020 12:35 AM CDT  
**To:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Subject:** urgent; request to meet

Dear Dean Risco,

I just received a letter of dismissal and would like the opportunity to meet with you as soon as possible. As you mentioned to my parents a few weeks ago, I should reach out to talk to you. I understand I only have 5 days to appeal, so I would appreciate your time if you can spare it. I am committed to finishing my studies and would like the opportunity to continue. Thank you for your consideration and I hope to speak with you soon.

Sincerely,

Jonathan Rivera-Pierola



**From:** Tharp, Melinda  
**Sent:** Tuesday, March 24, 2020 9:39 AM CDT  
**To:** Jonathan Rivera-pierola <jonariv@ostatemail.okstate.edu>  
**Subject:** RE: Meeting with Dean Risco

I will get that on his calendar.

Thank you,

**Melinda Tharp**  
P | 405.744.6595  
F | 405.744.6633

**From:** Jonathan Rivera-pierola <jonariv@ostatemail.okstate.edu>  
**Sent:** Tuesday, March 24, 2020 9:22 AM  
**To:** Tharp, Melinda <melinda.tharp@okstate.edu>  
**Subject:** Re: Meeting with Dean Risco

Hello Melinda, the 1:30pm would be a good time for me. Thank you.

Regards,  
Jonathan Rivera-Pierola

On Mar 24, 2020, at 8:51 AM, Tharp, Melinda <[melinda.tharp@okstate.edu](mailto:melinda.tharp@okstate.edu)> wrote:

<image001.gif>  
Good morning,

Dean Risco asked me to email you on his behalf to set up a meeting for today. He has availability at 10:30 a.m. and 1:30 p.m. Please let me know which of these times works best for you at your earliest convenience.

Thank you,

<image002.png>

Melinda Tharp  
Senior Admin. Assoc, Office of the Dean  
College of Veterinary Medicine  
405.744.6595 • 205C McElroy Hall  
[melinda.tharp@okstate.edu](mailto:melinda.tharp@okstate.edu) • [www.okstate.edu](http://www.okstate.edu)  
<image003.png>  
<image004.png>  
<image005.png>

**From:** Rivera-pierola, Jonathan <jonariv@ostatemail.okstate.edu>  
**Sent:** Sunday, March 29, 2020 5:54 PM CDT  
**To:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Subject:** Letter of Appeal regarding decision  
**Attachment(s):** "Rivera-Pierola, Jonathan 3-29-20.pdf"

Dean Risco,

Attached to this email is my letter of appeal regarding the decision made by the PSC. I hope this letter gives you a better understanding of my goals and willingness to change to become a better clinician. Please allow me the ability to complete my remaining 14 weeks of rotations so I can achieve my long term goal of becoming a veterinarian. Thank you for your time and consideration.

Sincerely,

Jonathan Rivera-Pierola, MPH



To: Dr. Carlos Risco, DVM, DACT  
Dean of the College of Veterinary Medicine of Oklahoma State University

To: The Members of the Professions Standard Committee

Re: Dismissal from the College of Veterinary Medicine Program at Oklahoma State University

I am writing to appeal my academic dismissal from the CVM Program at OSU. Thank you for allowing me to have the opportunity to explain the circumstances that led to this point, as well as my action plan to improve on my performance in the program.

I met with the Professions Standard Committee on March 18, 2020 and I was unable to fully express the circumstances that led to my failed rotations. I got caught up in answering questions and found myself out of time to disclose the background situations that may have affected my performance and which situations I believe are relevant to the decision now being appealed. Also, as we are currently living through the COVID 19 pandemic, the anxiety of the meeting was increased and the distraction of current events did not permit a full discussion of my continued participation in the CVM Program.

I did not ignore the suggestions given to me on the evaluations. I took them seriously and attempted to implement them as best as I could. In retrospect, I failed to portray this clearly so that my professors could see the work I put into the recommended changes. I was perhaps too quiet, giving a misconception of who I am and what I stand for and the seriousness with which I took the suggestions and my continued and strong desire to continue at OSU.

During my Internal Medicine rotation, my father had a syncopal episode leading to a motor vehicle accident. He was rushed to the hospital and found to have a chest contusion, rib and sternal fractures and was admitted to the cardiac critical care unit. He was being evaluated for possible emergent cardiac surgery and stayed in the CCU for several days. This kept me anxious and distracted during my rotation. In retrospect, I now see that I should have communicated this to my professors or even taken a leave of absence rather than continue in the rotation.

On my Community Practice rotation, I got caught up in miscommunications leading to ambiguities and misunderstandings. This caused me to become stressed with fear of getting involved in another misunderstanding that may lead to my failure of the rotation. I truly internalized the constructive criticism and attempted to correct various issues on my own. In retrospect, I should have increased my communication with my professors and asked for assistance when needed.

I am receiving counseling with an OSU psychologist, Mr. Jeremiah Grissett, as recommended by the Dean of CVM. He is helping me see my role in these situations and providing me with good advice.



I truly have learned and appreciate all the clinicians' feedback through my rotations. I plan to utilize every piece of constructive criticism that I have received in the following manner:

1. Communication: I will make sure to communicate with the clinicians/residents/technicians involved in each case to ensure proper feedback on my performance and direction on results and areas of improvement. Specifically, I will ask for feedback from my clinicians at the beginning and end of each week so I could be in constant communication and agreement with them. And, I will ask for clarification if I am unclear on any instructions or assignments.
2. Case Preparation: I will improve on the preparation of cases. I will be more thorough in taking and documenting the history and physical exam. I will bring the documentation to my feedback sessions to go over with the clinicians in detail.
3. Patient care- I will arrive earlier than requested in the syllabus to ensure my review of patient's vital signs, medication sheets and to be sure that overnight notes have been double checked prior to rounds.
4. Demonstrate proper professional ethical behavior by working with my professors more frequently in a verbal and transparent way to avoid miscommunications.

Although I have not passed the Internal Medicine and Community Practice rotations, evaluations in both of these courses stated I have the potential to become a good veterinarian.

For example, from Internal Medicine:

"We are confident that you will achieve these goals. Jonathan, you have the knowledge and skills to pass small animal internal medicine and be a good veterinarian. We are hopeful that you will take these constructive comments and areas of improvement as ways to continue to develop as a future veterinarian. being capable of becoming a good clinician."

After evaluation of above mentioned and taking into consideration the changes I am willing to make now and in the next rotations, I am asking for reconsideration of the decision made on March 18, 2020. Becoming a veterinarian is of paramount importance to me. I am asking for the opportunity to be reinstated to the CVM Program at OSU and to demonstrate my willingness to do all that is necessary to become a competent veterinarian of whom this Program can be proud.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Rivera-Pierola', with a stylized, flowing script.

Jonathan Rivera-Pierola, MPH



**From:** Risco, Carlos A  
**Sent:** Monday, March 30, 2020 1:12 PM CDT  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** Rivera letter  
**Attachment(s):** "Rivera-Pierola, Jonathan 3-29-20.pdf"

Jonathan's letter – we can discuss

Thanks



CARLOS RISCO, DVM, DACT  
PROFESSOR AND DEAN  
College of Veterinary Medicine  
405.744.6648 • 205 McElroy Hall  
[carlos.risco@okstate.edu](mailto:carlos.risco@okstate.edu) • [vetmed.okstate.edu](http://vetmed.okstate.edu)  
f t i

To: Dr. Carlos Risco, DVM, DACT  
Dean of the College of Veterinary Medicine of Oklahoma State University

To: The Members of the Professions Standard Committee

Re: Dismissal from the College of Veterinary Medicine Program at Oklahoma State University

I am writing to appeal my academic dismissal from the CVM Program at OSU. Thank you for allowing me to have the opportunity to explain the circumstances that led to this point, as well as my action plan to improve on my performance in the program.

I met with the Professions Standard Committee on March 18, 2020 and I was unable to fully express the circumstances that led to my failed rotations. I got caught up in answering questions and found myself out of time to disclose the background situations that may have affected my performance and which situations I believe are relevant to the decision now being appealed. Also, as we are currently living through the COVID 19 pandemic, the anxiety of the meeting was increased and the distraction of current events did not permit a full discussion of my continued participation in the CVM Program.

I did not ignore the suggestions given to me on the evaluations. I took them seriously and attempted to implement them as best as I could. In retrospect, I failed to portray this clearly so that my professors could see the work I put into the recommended changes. I was perhaps too quiet, giving a misconception of who I am and what I stand for and the seriousness with which I took the suggestions and my continued and strong desire to continue at OSU.

During my Internal Medicine rotation, my father had a syncopal episode leading to a motor vehicle accident. He was rushed to the hospital and found to have a chest contusion, rib and sternal fractures and was admitted to the cardiac critical care unit. He was being evaluated for possible emergent cardiac surgery and stayed in the CCU for several days. This kept me anxious and distracted during my rotation. In retrospect, I now see that I should have communicated this to my professors or even taken a leave of absence rather than continue in the rotation.

On my Community Practice rotation, I got caught up in miscommunications leading to ambiguities and misunderstandings. This caused me to become stressed with fear of getting involved in another misunderstanding that may lead to my failure of the rotation. I truly internalized the constructive criticism and attempted to correct various issues on my own. In retrospect, I should have increased my communication with my professors and asked for assistance when needed.

I am receiving counseling with an OSU psychologist, Mr. Jeremiah Grissett, as recommended by the Dean of CVM. He is helping me see my role in these situations and providing me with good advice.

I truly have learned and appreciate all the clinicians' feedback through my rotations. I plan to utilize every piece of constructive criticism that I have received in the following manner:

1. Communication: I will make sure to communicate with the clinicians/residents/technicians involved in each case to ensure proper feedback on my performance and direction on results and areas of improvement. Specifically, I will ask for feedback from my clinicians at the beginning and end of each week so I could be in constant communication and agreement with them. And, I will ask for clarification if I am unclear on any instructions or assignments.
2. Case Preparation: I will improve on the preparation of cases. I will be more thorough in taking and documenting the history and physical exam. I will bring the documentation to my feedback sessions to go over with the clinicians in detail.
3. Patient care- I will arrive earlier than requested in the syllabus to ensure my review of patient's vital signs, medication sheets and to be sure that overnight notes have been double checked prior to rounds.
4. Demonstrate proper professional ethical behavior by working with my professors more frequently in a verbal and transparent way to avoid miscommunications.

Although I have not passed the Internal Medicine and Community Practice rotations, evaluations in both of these courses stated I have the potential to become a good veterinarian.

For example, from Internal Medicine:

"We are confident that you will achieve these goals. Jonathan, you have the knowledge and skills to pass small animal internal medicine and be a good veterinarian. We are hopeful that you will take these constructive comments and areas of improvement as ways to continue to develop as a future veterinarian, being capable of becoming a good clinician."

After evaluation of above mentioned and taking into consideration the changes I am willing to make now and in the next rotations, I am asking for reconsideration of the decision made on March 18, 2020. Becoming a veterinarian is of paramount importance to me. I am asking for the opportunity to be reinstated to the CVM Program at OSU and to demonstrate my willingness to do all that is necessary to become a competent veterinarian of whom this Program can be proud.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Rivera-Pierola', written in a cursive style.

Jonathan Rivera-Pierola, MPH



**From:** Gilmour, Margi  
**Sent:** Monday, March 30, 2020 5:07 PM CDT  
**To:** Wilson, Robin <robin.wilson@okstate.edu>  
**Subject:** FW: Jonathan Rivera-Pieorola appeal to the Dean  
**Attachment(s):** "Rivera-Pieorola, Jonathan 3-29-20.pdf"  
FYI

**From:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Sent:** Monday, March 30, 2020 3:47 PM  
**To:** Reichard, Mason <mason.reichard@okstate.edu>  
**Cc:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** Jonathan Rivera-Pieorola appeal to the Dean

Dear Dr. Reichard,

On March 29, 2020, I received from Jonathan Rivera-Pieorola the attached written appeal to reconsider the recommendation by the PSC for dismissal from the CVM professional program. In accordance to the CVM Academic Standards Policy 8.2, Section 14, I am requesting that the committee consider his appeal and respond or make further recommendations to me within (5) working days after the appeals hearing. In his appeal, Jonathan addresses circumstances that contributed to his below acceptable academic performance on the Small Animal Internal Medicine and Community Practice rotations. Importantly, he provides a plan to improve his professional demeanor and performance on clinical rotations.

Thank you for your willingness and that of the committee to consider this request.



CARLOS RISCO, DVM, DACT  
PROFESSOR AND DEAN

College of Veterinary Medicine  
405.744.6648 • 205 McElroy Hall  
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COLLEGE OF  
**VETERINARY MEDICINE**

**Dr. Mason V. Reichard**  
Professor  
Department of Veterinary

250 McElroy Hall  
Stillwater, OK 74078

April 03, 2020

Dr. Risco,

Per your request and in accordance with the CVM Academic Standards Policy 8.2, Section 14, the Professional Standards Committee (PSC) met to reconsider our dismissal recommendation of Mr. Jonathan Rivera-Pierola. This meeting took place on April 03, 2020 wherein we reviewed and discussed the appeal letter written by Mr. Rivera-Pierola. After careful deliberation, the PSC stands by our initial recommendation in which Mr. Rivera-Pierola be dismissed from our academic program.

Upon review of Mr. Rivera-Pierola's appeal letter, we found very little additional information that we did not already understand or appreciate from our meeting with him on March 18<sup>th</sup>. In fact, we found his appeal to be little more than restating why he did not deserve to fail rather than compelling information justifying reversal of our recommendation.

In his appeal letter, Mr. Rivera-Pierola states, "... I was unable to fully express the circumstances that led to my failed rotations. I got caught up in answering questions and found myself out of time to disclose the background situations that may have affected my performance and which situations I believe are relevant to the decision now being appealed." We do not believe this statement by Mr. Rivera-Pierola as factual. We gave Mr. Rivera-Pierola an open platform to communicate anything he wished. Mr. Rivera-Pierola spoke uninterrupted for more than an hour and used notes he prepared ahead of time. We asked Mr. Rivera-Pierola a few questions seeking nothing more than clarification of comments he made from his prepared notes. Furthermore, Mr. Rivera-Pierola kept referring back to his prepared notes and repeating his same comments. We did ask him to conclude after an hour of him rehashing the exact same comments. We believe Mr. Rivera-Pierola was given ample opportunity to express himself fully.

In his appeal letter, Mr. Rivera-Pierola did provide that he has identified areas (e.g., communication, case preparation, patient care, professional ethical behavior) for which he needs to improve. However, we found his improvement plan to be vague, superficial, and lack sufficient detail to reverse our dismissal recommendation. Mr. Rivera-Pierola writes that he has started to seek the services of Mr. Jeremiah Grissett, CVM Counselor and Wellness Coordinator. We were pleased to hear this and hope that Mr. Rivera-Pierola continues to seek the services of a professional counselor. We believe this will help him become self-aware and take ownership of his actions.

Two members of the PSC were unable to attend the appeal meeting however, one of those absent provided written comments to the PCS Chair that were reviewed by all in attendance. The four PSC members present at the meeting were in full agreement to stand by our initial recommendation that Mr. Rivera-Pierola be dismissed.

Regards,

Professional Standards Committee (PSC) 2019–2020

Dr. Kelly Allen

Dr. Mike Davis

Dr. Erik Clary

Dr. Lyndi Gilliam

Dr. Myron Hinsdale

Dr. Mason Reichard, Chair





**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Sent:** Saturday, April 04, 2020 4:05 PM CDT  
**To:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Subject:** RE: Jonathan Rivera-Pieorola appeal to the Dean  
**Attachment(s):** "Risco proposal for sanctions 3-30-20.docx"

Hi Carlos,

FYI I summarized the recommendations you had outlined when we last spoke about Jonathan's case. I have attached them for your convenience in case you elect to let Jonathan continue in the program. Also, so you don't have to look it up, the academic policy reads at this point: "The PSC shall respond . . . to the Dean within 5 working days after the appeals hearing, **and the Dean shall render his decision within 5 working days of receipt of the recommendation. The decision of the Dean shall be final and no further appeal will be available. The Dean will provide a summary report to the PSC detailing the basis for his final action regarding the appeal.**"

We will want to provide him with a decision before Friday April 10<sup>th</sup> as that is the last day of the current rotation.

Let me know if you need anything else or have any questions.

M.

**From:** Reichard, Mason <mason.reichard@okstate.edu>  
**Sent:** Saturday, April 04, 2020 2:07 PM  
**To:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Cc:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** RE: Jonathan Rivera-Pieorola appeal to the Dean

Dr. Risco,

The PSC meet yesterday to hear the appeal of Mr. Jonathan Rivera-Pierola. After a thorough discussion of his letter and comments, we found little to no justification for us to reverse our recommendation for dismissal. Please see the attached letter for more details.

I truly wish we had a different outcome for Mr. Rivera-Pierola.

Respectfully,

Mason

**From:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Sent:** Monday, March 30, 2020 3:47 PM  
**To:** Reichard, Mason <mason.reichard@okstate.edu>  
**Cc:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** Jonathan Rivera-Pieorola appeal to the Dean

Dear Dr. Reichard,

On March 29, 2020, I received from Jonathan Rivera-Pieorola the attached written appeal to reconsider the recommendation by the PSC for dismissal from the CVM professional program. In accordance to the CVM Academic Standards Policy 8.2, Section 14, I am requesting that the committee consider his appeal and respond or make further recommendations to me within (5) working days after the appeals hearing. In his appeal, Jonathan addresses circumstances that contributed to his below acceptable academic performance on the Small Animal Internal Medicine and Community Practice rotations. Importantly, he provides a plan to improve his professional demeanor and performance on clinical rotations.

Thank you for your willingness and that of the committee to consider this request.



**CARLOS RISCO, DVM, DACT**  
 PROFESSOR AND DEAN  
 College of Veterinary Medicine  
 405.744.6648 • 205 McElroy Hall  
[carlos.risco@okstate.edu](mailto:carlos.risco@okstate.edu) • [vcilmad@okstate.edu](mailto:vcilmad@okstate.edu)



3-30-20

What Risco proposed for J R-P:

1. Finish rotation he is currently in (online now)
2. Be suspended from program until we are back to in-person rotation
3. Remediate CP and SAIM before being allowed to complete remaining rotations
4. Must receive C or higher. If he receives a D he will be dismissed with no PSC review or appeal.
5. He will be on probation for the remainder of his time here; if he receives a D in any other rotation, he will be dismissed with no PSC review or appeal.
6. He must adhere to the actionable items in his letter of appeal



COLLEGE OF  
VETERINARY MEDICINE

College of Veterinary Medicine  
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Stillwater, Oklahoma 74078

Phone: (405) 744-6651  
Fax: (405) 744-6633  
Dean: (405) 744-6648  
Associate Dean: (405) 744-6595

Date: April 6, 2020

To: Professional Standards Committee Oklahoma State University, College of Veterinary Medicine

From: Dr. Carlos A. Risco  
Dean, Oklahoma State University College of Veterinary Medicine

Dear Dr. Reichard,

After careful consideration of the response of the PSC committee to my request to reconsider the dismissal of Jonathan Rivera – Pierola based on his letter of appeal, I have decided to take the following action. I will allow him to remain in the professional program with the following conditions:

- He will be allowed to complete his current rotation (Rotation 16) and must achieve a C grade or higher. Failure to do so will result in dismissal from the program without PSC review or appeal.
- He will be placed on Academic Suspension until both failed rotations (Community Practice and Small Animal Internal Medicine) are remediated through participation in in-person rotations. Due to the COVID-19 crisis and current use of on-line curriculum, he will be suspended from clinical rotations until the hospital reopens to students and in-person rotations resume.
- He must receive a C grade or higher in both remediated rotations. Failure to do so will result in dismissal from the program without PSC review or appeal.
- He will continue on Academic Probation for the duration of his clinical year. Failure to receive a C grade or higher on any rotation during the remaining clinical year will result in dismissal from the program without PSC review or appeal.
- He will be held accountable for the plan of improvement included in his letter of appeal: communication, case preparation, patient care, and professional and ethical behavior.

Dr. Gilmour will inform Jonathan of my decision in a letter outlining these conditions.

My decision does not trivializes the concerns expressed by the PSC committee. Indeed, the committee points out serious flaws in Jonathan's academic performance and comportment that concern me. However, I am willing to give him an opportunity to remediate the rotations that he





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failed and perform in his remaining rotations at the level expected from all students in our program.  
I am hopeful that he takes advantage of this opportunity to salvage his education.

I appreciate the committee's time and thoughtful deliberation to Jonathan's appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Carlos Risco'.

Carlos Risco, DVM, DACT  
Professor and Dean  
Oklahoma State University  
Center for Veterinary Health Sciences



**From:** Di Concetto, Stefano on behalf of Di Concetto, Stefano <sdiconc@okstate.edu>  
**Sent:** Tuesday, April 21, 2020 11:07 AM CDT  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**CC:** Risco, Carlos A <carlos.risco@okstate.edu>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Subject:** Re: Jonathan Rivera

He failed the quiz pretty badly. If they don't get at least 70% in each of the two components that are assessed, they fail the rotation. This has been the rule in the old syllabus and all the students in the 2019-2020 year have been treated according to this. It is stated in red on the top of the grading sheet.

Those who failed the clinical part and passed the written exam were given the choice to retain the grades from the written exam or to retake it when they repeated the rotation. Those who failed the written exam clearly retook it when they repeated the rotation.

The written exam is what truly captures their knowledge base more objectively. However, in this case, it may be argued that the complete lack of hands on opportunities and of the chance to apply theoretical knowledge to clinical scenarios, and consolidate theoretical knowledge from monitoring and observing live animals under anesthesia might have contributed to a suboptimal performance. That is why I would be open to making him retake the rotation when we are back to the in-person option, so he can be assessed on the full spectrum of activities and will have time to re-study for the exam.

If making him come back in person is not an options and the school decides to give him another chance, it may be discussed to make him repeat the online rotation and retake the quiz.

I agreed to go over the failed questions with Jonathan and give him more details about which areas were the weakest.

Lucy, should something like this happen again, I think it would be better to put D as a letter grade, following the rule that getting < 70% in one of the two sections means results in a failing grade.

SD

---

**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Sent:** Tuesday, April 21, 2020 9:48 AM  
**To:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Cc:** Risco, Carlos A <carlos.risco@okstate.edu>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Subject:** RE: Jonathan Rivera

Hi Stefano,

It looks like from your email below and Jonathan's that he failed the rotation however, the grade sheet Lucy sent me says his overall grade is a C. Can you please clarify what Jonathan's final grade is for the Anesthesia rotation?

M.

**From:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Sent:** Monday, April 20, 2020 5:39 PM  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** Re: Jonathan Rivera

It was not a matter of softening things or making exceptions but a way to prepare myself for what you will read below - Jonathan's expected reply to my notification about his failing grade.

Given the abnormal nature of the rotation, to me it would make sense to allow someone to repeat it once the circumstances are normalized, especially when, in his case, failing this unconventional rotation results in being dismissed from the program. And if the circumstances don't become normal soon enough, I think he should be at least allowed to retake the written quiz, with the agreement that if he fails it there will be no other chances.

SD

Hello Dr. Di,

I just read your email and I am left without words. I studied so hard for this course, reviewing all the concepts I could to make sure that I had grasp them properly. Sending you my questions to go over the things that I was unsure about and asking you for your feedback along the way. Please tell me what concepts I missed on the exam because I thought that I had done well. I know that I missed the final two questions due to time restraints but by no means did I think I failed it.

I have worked all of my life to get to this point. I have three months left of school to complete my veterinary medicine degree, is there anything that I can do to change this failing grade. If I fail this course I can no longer continue my studies. This would devastate me and my family both mentally and financially. I have devoted the last 12 years of my life to this and I'm willing to do anything at this point to finish these last three months and start my life as a veterinarian.

Regards,





Jonathan Rivera-Pierola

**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Sent:** Friday, April 17, 2020 5:12 PM  
**To:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Subject:** RE: Jonathan Rivera

Hello Stefano,

My suggestion is to evaluate Jonathan according to your revised (COVID-19) syllabus and as the other students were evaluated. You do not need to alter, soften or make any exceptions.

Margi

**From:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Sent:** Friday, April 17, 2020 2:23 PM  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Cc:** Naff, Adam <adam.naff@okstate.edu>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Subject:** Jonathan Rivera

	Possible Points	John Rivera
General knowledge	200	140
Case work-up and presentation	100	80
Assignments and topics	100	85
Professional conduct	100	90
TOT	500	395
		79%

Written exam	150	99.6
		66.4%

Hello,

before making Jonathan's grades official I wanted to touch base as I understand his situation is quite delicate. Below is what I wrote in his assessment.

Given the nature of the Covid emergency and the rapid adjusting to online teaching needed, I did my best to try and take notes on what each student said every day. However, I am not in the position to provide a detailed report.

My subjective assessment (see below in red) is that Jonathan's performance was at a C level, he did reasonably well in the open book assignments and was not super-active in rounds. He bombed the final exam and given the fact that there is not assessment of his clinical competencies, the exam remains the most objective way to evaluate his performance. Note that the exam grade would have been even lower: I gave three points back to everyone.

I thought it might be worth giving him the opportunity to repeat the rotation once things are back to normal and we can work with him in the clinics.

Let me know what you think,

SD

Jonathan Rivera

This evaluation is based on subjective and objective assessment of your foundation knowledge of anesthesia, physiology, pathophysiology and other disciplines relevant to anesthesia. Due to the restrictions imposed by the on-line activity, this assessment does not include your clinical competencies and only partly reflects your ability to apply theoretical knowledge to clinical scenarios.

My overall impression is that your foundation knowledge and understanding of anesthesia and related physiology and pathophysiology is not as strong as it should be at this point in your curriculum. There seem to be areas of weakness and lack of clarity and unfortunately the outcome of the written exam confirms this.

**From:** Gilmour, Margi  
**Sent:** Tuesday, April 21, 2020 2:27 PM CDT  
**To:** Risco, Carlos A <carlos.risco@okstate.edu>  
**Subject:** FW: Jonathan Rivera  
**Attachment(s):** "Copy of Rivera\_Anesthesia\_Grade Sheet.xlsx"

Hi Carlos,

Attached is the correct grade sheet (with the D grade). You can read all of Dr. DiConcetto's thoughts, and Jonathan's comments, throughout the email trail below. Please let me know your decision and I will communicate to Jonathan unless you tell me otherwise.

Thanks.  
 Margi

**From:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Sent:** Tuesday, April 21, 2020 1:34 PM  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Subject:** Re: Jonathan Rivera

Here it is.

SD

**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Sent:** Tuesday, April 21, 2020 12:53 PM  
**To:** Kershaw, Lucinda <lucinda.kershaw@okstate.edu>; Di Concetto, Stefano <sdiconc@okstate.edu>  
**Subject:** RE: Jonathan Rivera

Will one of you please send me the final grade sheet that will be retained for course records and that has been or will be sent to the student? Obviously it must reflect the final grade accurately.

**From:** Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Sent:** Tuesday, April 21, 2020 11:49 AM  
**To:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Cc:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** RE: Jonathan Rivera

Yes. For now, just manually change the grade to **66.40% (D) on the spreadsheet.**



**LUCINDA KERSHAW**  
 Administrative Associate  
 College of Veterinary Medicine  
 405.744.8488 • Veterinary Center  
 Lucinda.kershaw@okstate.edu  
 wcs.okstate.edu

**From:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Sent:** Tuesday, April 21, 2020 11:08 AM  
**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Cc:** Risco, Carlos A <carlos.risco@okstate.edu>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Subject:** Re: Jonathan Rivera

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Lucy, should something like this happen again, I think it would be better to put D as a letter grade, following the rule that getting < 70% in one of the two sections means results in a failing grade.

SD

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**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Sent:** Tuesday, April 21, 2020 9:48 AM  
**To:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Cc:** Risco, Carlos A <carlos.risco@okstate.edu>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Subject:** RE: Jonathan Rivera

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---

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**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Subject:** Re: Jonathan Rivera

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Regards,  
Jonathan Rivera-Pierola

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**From:** Gilmour, Margi <margi.gilmour@okstate.edu>  
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**To:** Di Concetto, Stefano <sdiconc@okstate.edu>  
**Subject:** RE: Jonathan Rivera

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Margi

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**To:** Gilmour, Margi <margi.gilmour@okstate.edu>  
**Cc:** Naiff, Adam <adam.naiff@okstate.edu>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>  
**Subject:** Jonathan Rivera



	Possible Points	John Rivera
General knowledge	200	140
Case work-up and presentation	100	80
Assignments and topics	100	85
Professional conduct	100	90
TOT	500	395
		79%

Written exam	150	99.6
		66.4%

Hello,

before making Jonathan's grades official I wanted to touch base as I understand his situation is quite delicate. Below is what I wrote in his assessment.

Given the nature of the Covid emergency and the rapid adjusting to online teaching needed, I did my best to try and take notes on what each student said every day. However, I am not in the position to provide a detailed report.

My subjective assessment (see below in red) is that Jonathan's performance was at a C level, he did reasonably well in the open book assignments and was not super-active in rounds. He bombed the final exam and given the fact that there is not assessment of his clinical competencies, the exam remains the most objective way to evaluate his performance. Note that the exam grade would have been even lower: I gave three points back to everyone.

I thought it might be worth giving him the opportunity to repeat the rotation once things are back to normal and we can work with him in the clinics.

Let me know what you think.

SD

#### Jonathan Rivera

This evaluation is based on subjective and objective assessment of your foundation knowledge of anesthesia, physiology, pathophysiology and other disciplines relevant to anesthesia. Due to the restrictions imposed by the on-line activity, this assessment does not include your clinical competencies and only partly reflects your ability to apply theoretical knowledge to clinical scenarios.

My overall impression is that your foundation knowledge and understanding of anesthesia and related physiology and pathophysiology is not as strong as it should be at this point in your curriculum. There seem to be areas of weakness and lack of clarity and unfortunately the outcome of the written exam confirms this.

	A	B	C	D	E	F	G	H
1	<b>Anesthesia - Rotation 16 (3/23/2020 to 4/12/2020)</b>							
	<b>Grading Scale: 90-100 = A; 80-89.9 = B; 70-79.9 = C; 60-69.9 = D; &lt;60 = F</b>							
2	<b>At least 70% must be achieved in each of the two sections in order to pass the rotation.</b>							
3	Section 1	John						
4		Rivera						
5	General Knowledge (200 points)	140						
6	Case work-up and presentation (100 points)	80						
7	Assignments and topics (100 points)	85						
8	Professional conduct (100 points)	90						
9	Total Points Possible (500 points)	395						
10	Percent Section 1	79%						
11	Section 2							
12	Written exam points possible (150 points)	99.6						
13	Percent Section 2	66.40%						
14	Combined Section 1 & 2 Percent							
15	Letter Grade	D						



**From:** Gilmour, Margi  
**Sent:** Tuesday, April 21, 2020 2:55 PM CDT  
**To:** Rivera-Pierola, Jonathan <jonariv@okstate.edu>  
**CC:** Risco, Carlos A <carlos.risco@okstate.edu>; Alan Emsley <Obans\_Rover@msn.com>; Kershaw, Lucinda <lucinda.kershaw@okstate.edu>; Holyoak, Reed <reed.holyoak@okstate.edu>; Reichard, Mason <mason.reichard@okstate.edu>  
**Subject:** Rotation 16  
**Attachment(s):** "Rivera-Pierola, Jonathan 4-21-20.pdf"

Jonathan,

Please see the attached letter regarding rotation 16.

Margi Gilmour, DVM, DACVO  
Associate Dean for Academic Affairs  
College of Veterinary Medicine  
Oklahoma State University  
405-744-8471 [margi.gilmour@okstate.edu](mailto:margi.gilmour@okstate.edu)

Office of the Dean  
205 McElroy Hall  
Stillwater, Oklahoma 74078  
Phone: (405) 744-6648  
Fax: (405) 744-6633

April 21, 2020

Dear Jonathan,

I am very sorry to inform you that due to receiving a D grade in the Anesthesia rotation (rotation 16), per the Academic Suspension guidelines outlined in the letter dated 4-6-20, you are dismissed from the OSU CVM clinical year program with no Professional Standards Committee review or appeal.

The Dean has reviewed your academic record and has approved the dismissal action.

It is with deep regret we relay this decision.

Sincerely,



Margi Gilmour, DVM, DACVO  
Associate Dean for Academic Affairs

